



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

पृष्ठ 26]

शिमला, शनिवार, 25 नवम्बर, 1978/4 अग्रहायण, 1900

[संख्या 47

विषय-सूची		
भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि ..	1324—1331
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्ष और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि ..	1331—1332
भाग 3	अधिनियम विशेषक और विधेयकों पर प्रवर समिति के प्रतिबन्धन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कामधनर आर डेप्युटी कमिशनर द्वारा अधिसूचित आदेश इत्यादि ..	1332—1337
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग ..	1337
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1337—1338 तथा 1355
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	1339—1354
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	1356—1363

25 नवम्बर, 1978/4 अग्रहायण, 1900 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञापनों 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञापन की संख्या	विभाग का नाम	विषय
No. 7-9/78-elec., dated the 21st October, 1978.	Election Department	The Himachal Pradesh Panchayat, Samities (Election) (2nd Amendment) Rules, 1978.
No. Rev. 1-5/(Stamp) 1/78, dated the 9/13th November, 1978.	Revenue Department	Amending Table of Registration Fee published vide notification No. 17-13/66-Rev. 1, dated 14-4-1969.
-do-	-do-	Remitting whole of the Stamp Duty on any instrument executed by the persons selected under the Antyodaya Schemes on the loans granted to them by Commercial/Co-op. Banks/Department of Industries.
No. EXN. F.(16)/74, dated the 13th November, 1978.	Excise and Taxation Department	Amending Schedule B of the Himachal Pradesh General Sales Tax Act, 1968.

भाग 1—अधिनियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट NOTIFICATIONS

Simla-1, the 23rd September, 1978

No. HHC/GAZ./14-42/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of the following leave in favour of Shri K. C. Negi, Sub-Judge-cum-Judicial Magistrate, Theog, District Simla, Himachal Pradesh:—

- (i) 6 days earned leave with effect from 10-7-1978 to 15-7-1978 with permission to prefix and suffix 8th, 9th and 16th July, 1978 respectively being holidays.
- (ii) 24 days earned leave with effect from 7-8-1978 to 30-8-1978 with permission to prefix 6th August, 1978 being Sunday.
- (iii) 2 days half pay leave for the 31st August, 1978 and 1st September, 1978.

2. Certified that Shri K. C. Negi would have continued to officiate as Sub-Judge-cum-Judicial Magistrate, Theog, District Simla, Himachal Pradesh but for his proceeding on leave.

3. Certified further that Shri K. C. Negi has joined the same post at the same station from where he had proceeded on leave.

Simla-1, the 3rd November, 1978

No. HHC/GAZ./14-20/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction for the grant of 9 days earned leave with effect from 22-9-1978 to 30-9-1978 with permission to prefix 1st and 2nd October, 1978 being gazetted holidays in favour of Shri K. C. Sud, Senior Sub-Judge-cum-Chief Judicial Magistrate, Mandi, H. P.

Certified that Shri K. C. Sud has joined the same post at the same station from where he had proceeded on leave.

Certified that Shri K. C. Sud would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate, Mandi, H. P. but for his proceeding on leave.

Simla-1, the 7th November, 1978

No. HHC Admn. 1(26)/72.—The Hon'ble the Chief Justice is pleased to order the confirmation of the following officers against the post shown against each, with immediate effect:—

- | | |
|-------------------------|---|
| (1) Shri R. C. Malhotra | Deputy Registrar in the scale of Rs. 900-1250. |
| (2) Sri B. K. Sharma | Assistant Registrar in the scale of Rs. 700-1100. |

Simla-1, the 8th November, 1978

No. HHC/GAZ/14-13/75.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction for the grant of 2 days earned leave for the 1st and 2nd November, 1978 with permission to prefix 31-10-1978 being gazetted holiday on account of Diwali, in favour of Shri Prem Lal Sharma, District and Sessions Judge, Mandi, Kulu and Lahaul-Spiti districts, at Mandi, Himachal Pradesh.

Certified that Shri Prem Lal Sharma has joined the same post at the same station from where he had proceeded on leave after the expiry of the same.

Certified further that Shri Prem Lal Sharma, would have continued to hold the post of District and Sessions Judge, Mandi, Kulu and Lahaul-Spiti districts, Mandi, Himachal Pradesh but for his proceeding on leave.

Simla-1, the 9th November, 1978

No. HHC/GAZ./14-23/74.—The Hon'ble the Chief Justice and Judges are pleased to sanction 17 days earned leave with effect from 2-11-1978 to 18-11-1978 with permission to suffix Sunday on 19-11-1978 in favour of Shri R. K. Mahajan, Senior Sub-Judge-cum-Chief Judicial Magistrate, Solan, Himachal Pradesh.

Certified that Shri R. K. Mahajan is likely to join the same post at the same station from where he has proceeded on leave after the expiry of the same.

Certified that Shri R. K. Mahajan, would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate, Solan, H. P. but for his proceeding on leave.

By order,
H. D. KAINTHLA,
Registrar.

Simla-1, the 10th November, 1978

No. HHC/GAZ/14-24/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of 5 days earned leave with effect from 19-9-1978 to 23-9-1978 with permission to suffix Sunday on 24-9-1978 in favour of Shri Raja Ram, Senior Sub-Judge-cum-Chief Judicial Magistrate, Sirmur district at Nahan, H.P.

Certified that Shri Raja Ram has joined the same post at the same station from where he had proceeded on leave after the expiry of the same.

Certified that Shri Raja Ram would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate, Sirmur district at Nahan, H. P. but for his proceeding on leave.

By order,
S. P. THAPLYAL,
Deputy Registrar.

Simla-1, the 13th November, 1978

No. HHC/GAZ/14-11/74.—The Hon'ble the Chief Justice and Judges are pleased to sanction 20 days earned leave with effect from 16-11-1978 to 5-12-1978 in favour of Shri Shamsher Singh Kanwar, District and Sessions Judge, Kangra and Chamba districts, Himachal Pradesh.

Certified that Shri Shamsher Singh Kanwar is likely to join the same post at the same station from where he proceeds on leave after the expiry of the same.

Certified further that Shri Shamsher Singh Kanwar would have continued to hold the post of District and Sessions Judge, Chamba and Kangra districts, but for his proceeding on leave.

Simla-1, the 15th November, 1978

No. HHC/GAZ/14-42/74.—The Hon'ble the Chief Justice and Judges are pleased to sanction one day's leave on half pay for the 17th of November, 1978 in favour of Shri K. C. Negi, Sub-Judge-cum-Judicial Magistrate, Theog, District Simla, Himachal Pradesh.

Certified that Shri K. C. Negi is likely to join the same post at the same station from where he proceeds on leave after the expiry of the same.

Certified that Shri K. C. Negi, would have continued to officiate in the post of Sub-Judge-cum-Judicial Magistrate, Theog, District Simla, Himachal Pradesh but for his proceeding on leave.

By order,
H. D. KANTHLA,
Registrar.

हिमाचल प्रदेश सरकार
OFFICE OF THE CHIEF MINISTER
HIMACHAL PRADESH
CORRIGENDUM

Simla-171002, the 5th October, 1978

No. Secy./CM-16(6)/77-GRV.—The Governor of Himachal Pradesh is pleased to make the following amendments in para 4 of this Government notification No. 9-19/71-GRV, dated the 22nd August, 1977 relating to payment of T.A. and D.A. to non-official members for attending meetings of the District Level Grievances Committees:—

For

Read

- | | |
|--|--|
| <p>(1) The Chief Secretary to the Government of Himachal Pradesh will be the Controlling Officer with regard to the countersigning of the Travelling bills of the non-official members. The T. A. bills will be prepared by the Department of Personnel Secretariat Administration—Accounts Section.</p> | <p>(1) The Deputy Commissioners of the respective Districts will be the Controlling Officers with regard to the countersigning of the Travelling Bills of the non-official members. The T. A. Bills will be prepared in the offices of the Deputy Commissioners concerned.</p> |
| <p>(2) The expenditure will be debitable to Major Head “252—Sectt. General Services (a) Sectt. (a) (i) Chief Secretariat.”</p> | <p>(2) The expenditure involved will be debitable to Head “253—District Administration—(b) District Establishment (b) (i) General Establishment—Travel Expenses.”</p> |

This issues with the concurrence of the Finance Department obtained vide their No. 2219-Fin. (C)-B(15) 21/75, dated 21-9-1978.

By order,
L. H. TOCHHAWNG,
Chief Secretary.

कामिक विभाग (नियुक्ति-1)

अधिसूचनाएँ

शिमला-171002, 6 नवम्बर, 1978

सं० कामिक (नि०-1)-बी(6)-2/77.—राज्यपाल, हिमाचल प्रदेश, निम्नलिखित हिमाचल प्रदेश प्रशासनिक सेवा के अधिकारियों के स्थानान्तरण तथा नियुक्तियों के आदेश ज.हित में, तत्काल से, सङ्घट्ट करते हैं:—

कम	अधिकारी का	वर्तमान पद जहाँ से	पद जिस पर अब स्था-
सं०	नाम	स्थानान्तरण किया गया	नान्तरण करके नियुक्त किया गया
1	2	3	4

1. श्री पूर्णचन्द हिमाचल प्रदेश प्रशासनिक जिला विकास एवं पंचा-
सेवा (परिविक्षाधीन) वत अधिकारी, कुल्लू ।

1	2	3	4
		लोक प्रशासन संस्थान, फेवर-नान, शिमला-2	
2. श्री रमेश चन्द कपिल ।	"	"	सामान्य सहायक, बिलासपुर ।
3. श्री बोरेंद्र सिंह जसवाल ।	"	"	जिला विकास एवं पंचा- यत अधिकारी, सोलन ।
4. श्री अजय भण्डारी ।	"	"	जिला विकास एवं पंचायत अधिकारी, बिलासपुर ।
5. श्री भगवान सिंह नैन्दा ।	"	"	सामान्य सहायक, सोलन ।
6. श्री शक्ति सिंह चन्देल ।	"	"	सहायक आयुक्त (करा- धान तथा आबकारी), शिमला ।
7. श्री नृपेन्द्र चन्द मुद ।	"	"	अवकाश आरक्षण अधि- का 1 उपायुक्त मण्डी के कार्यालय में ।
8. श्री प्रेम चन्द कटोच ।	"	"	अवकाश आरक्षण अधि- कारी उपायुक्त धर्म- शाला के कार्यालय में ।
9. श्री ईश्वर दास	भूतपूर्व भू-अधिवृहण अधि- कारी, सोलन ।	जनकाल आरक्षण अधि- कारी उपायुक्त सोलन के कार्यालय में ।	
10. श्री कैदार सहायक आयुक्त (कर	अतिरिक्त सहायक भूमि नाथ शर्मा । तथा आबकारी) शिमला ।	वन्देवस्त अधिकारी, किन्नौर, स्थित शिमला ।	
11. श्री मदन	सामान्य सहायक सोलन भू-अधिवृहण अधिकारी, स्वरूप ।	सोलन ।	

राज्यपाल, श्री ईश्वर दास, भू-अधिवृहण अधिकारी, सोलन के सामान्य सहायक बिलासपुर के पद के स्थानान्तरण तथा नियुक्ति के आदेश जो इस विभाग की अधिसूचना सं० का० (नि-1)-बी (6)-7/78, दिनांक 6-7-78 द्वारा जारी किए गये थे, एतद्वारा रद्द करने के आदेश भी करते हैं ।

शिमला-171002, 8 नवम्बर, 1978

सं० कामिक (नि०-1)-बी(12)-1/77.—हिमाचल प्रदेश प्रशासनिक सेवा नियमावली, 1973 के नियम 15 अन्तर्गत, हिमाचल प्रदेश के राज्यपाल, निम्नलिखित प्रत्याशियों को, जिन्होंने 1977 की हिमाचल प्रदेश प्रशासनिक सेवा इत्यादि प्रतियोगिता परीक्षा सफलतापूर्वक उत्तीर्ण की, को हिमाचल प्रदेश प्रशासनिक सेवा में परीक्षा पर उनके कार्य ग्रहण करने की तिथि से, सङ्घट्ट नियुक्त करते हैं:—

1. श्री जगदीश राम वर्मा,
जिला कृषि अधिकारी, कुल्लू, हि० प्र० ।

2. श्री भारत भूषण,
ग्राम गृह माजरा, डाकखाना मानपुरा,
तहसील नालागढ़, जिला सोलन, हि० प्र० ।

2. ये प्रत्यासी दिनांक 23-11-1978 तक संयुक्त सचिव (कामिन्), हिमाचल प्रदेश सरकार, शिमला-171002 को नियुक्ति पत्र की लिखित स्वीकृति देने, ऐसा न करने पर नियुक्ति-पत्र रद्द समझा जायेगा ।

3. नियुक्ति की स्वीकृति की स्थिति में, प्रत्यासी दिनांक 23-11-78 तक निदेशक, हिमाचल प्रदेश लोक प्रशासन संस्थान को फाउंडेशन कोर्स में भाग लेने के लिए कार्य ग्रहण करेंगे ।

एल० एच० लोखंग,
मुख्य सचिव ।

शिमला-2, 9 नवम्बर, 1978

सं० का० वि० नि० 11-बी(2)-13/78.—हिमाचल प्रदेश के राज्यपाल, श्री अमर सिंह, म्याथी अनुभाग अधिकारी, हिमाचल प्रदेश सचिवालय को, स्थानापन्न रूप में अवसर सचिव, हिमाचल प्रदेश सरकार, 900-50-1250 रुपये के वेतनमान में, वित्कुल अस्थायी तौर पर, तीन महीने की अवधि के लिए अथवा उस समय तक जब श्री रमेश चन्द्र शर्मा, प्रवर सचिव, हिमाचल प्रदेश सरकार कार्य ग्रहण करेंगे, जो भी पहले हो, तत्काल में पदोन्नत तथा अवसर सचिव (वित्त व्यय) नियुक्त करने के आदेश करते हैं ।

कृष्ण चन्द्र शर्मा,
संयुक्त सचिव ।

PERSONNEL (A-I) DEPARTMENT NOTIFICATIONS

Simla-171002, the 10th November, 1978

No. 10-5/73-DP-Appntt. (I).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri D. S. Kuthlehar, Tehsildar Ghumarwin to be the Executive Magistrate, with all the powers of an Executive Magistrate under the said Code, to be exercised within the local limits of Tehsil Ghumarwin, District Bilaspur, with immediate effect.

Simla-171002, the 10th November, 1978

No. 10-7/73-DP-Appntt. (I).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri Narender Ashok, Tehsildar Kulu to be the Executive Magistrate, with all the powers of an Executive Magistrate under the said Code, to be exercised within the local limits of Kulu Sub-Division, District Kulu, with immediate effect.

K. C. SHARMA,
Joint Secretary.

शिक्षा विभाग
अध्यक्षनायक

शिमला-2, 28 अक्टूबर, 1978

क्र० सं० ई० डी० एन० (बी) (1)-5/76-क.—राज्यपाल, हिमाचल प्रदेश, श्री एच० एम० बाजवा, प्राचार्य (क्लाजि केडर)

जोकि हिमाचल प्रदेश विश्वविद्यालय में पंजीयक के पद पर प्रतिनियुक्त थे, प्रतिनियुक्ति की अवधि के समाप्त होने पर अब शिक्षा विभाग को वापिस आ गए हैं तथा इस समय अवकाश पर हैं, को राजकीय महाविद्यालय, बिलासपुर में श्री एच० एन० चौधरी, प्राचार्य जोकि 1-11-78 (प्रातः) को सेवा निवृत्त होने के स्थान पर तैनात करने के जनहित में सहर्ष आदेश देते हैं ।

शिमला-2, 8 नवम्बर, 1978

क्रमांक ई० डी० एन०-1(बी) 4-9/76.—राज्यपाल, हिमाचल प्रदेश आदेश देते हैं कि श्री एच० एन० चौधरी, प्राचार्य, राजकीय महाविद्यालय, बिलासपुर की निवृत्त की आयु पूर्ण होने के पश्चात् दिनांक 31-10-78 अपराह्न से सेवानिवृत्त होंगे ।

शिमला-2, 9/10 नवम्बर, 1978

संख्या ई० डी० एन०-1- बी (6)-3/76-1.—राज्यपाल, हिमाचल प्रदेश, निम्नलिखित स्थानान्तरण तथा तैनातियों (पोस्टिंग) के आदेश सहर्ष तत्काल लोकहित में देते हैं:—

1. श्री ए० एस० कपूर, प्रिंसिपल, राजकीय उच्चतर माध्यमिक पाठशाला, चम्बा को स्थानान्तरण करके जिला शिक्षा अधिकारी, कुल्लू तैनात किया जाता है ।
2. श्री बचन सिंह, उप-जिला शिक्षा अधिकारी, हमीरपुर को स्थानान्तरण करके विशेष कार्य अधिकारी, उत्तर क्षेत्र, धर्मशाला तैनात किया जाता है (अपनी इच्छा पर) ।
3. श्री ब्रह्म दास, उप-जिला शिक्षा अधिकारी, कांगड़ा (धर्मशाला) को स्थानान्तरण करके उप-जिला शिक्षा अधिकारी, हमीरपुर तैनात किया जाता है (अपनी इच्छा पर) ।

2. उपरोक्त अधिकारी अपने वर्तमान वेतन मानों में वेतन लेते रहेंगे । इन स्थानान्तरणों से उन्हें बरिष्ठता, वेतन आदि का लाभ नष्ट होगा । श्री ए० एस० कपूर को नियमानुसार तबादला यात्रा-भत्ता तथा कार्य ग्रहण अवधि मिलेगी ।

बी० सी० नेगी,
सचिव ।

VITA (VINIYAM) VIBHAG NOTIFICATIONS

Simla-171002, the 23rd October, 1978

No. Fin (C)-A (2)-22/77.—The Governor, Himachal Pradesh is pleased to order that the Additional Deputy Commissioner, Spiti Sub-Division of Lahaul and Spiti district shall also function as Disbursing Officer under head '215—Elections'.

2. The Governor, Himachal Pradesh is further pleased to order that the Additional Deputy Commissioner, Lahaul and Spiti district shall also function as Controlling Officer in respect of Class III and IV employees of Election Department posted in that district.

Simla-171002, the 23rd October, 1978

शुद्धि-पत्र

No. Fin.(C)-A(2)-22/77.—The Governor, Himachal Pradesh is pleased to order that the Deputy Director, Panchayati Raj (II) shall function as Disbursing Officer under following heads of accounts for the Headquarters of the Directorate of Panchayati Raj:—

314—Community Development-A-General—

- (a) Direction and Administration—
(a) (ii) Panchayati Raj Department.

363—Miscellaneous Compensation and Assignment to Local Bodies and Panchayati Raj Institutions—
(a) Land Revenue.

714—Loans for Community Development—

- (a) Community Development—
(a)(i) Loans to Village Panchayats.

2. The Governor, Himachal Pradesh is also pleased to order that the Deputy Director, Panchayati Raj (II) shall also function as Controlling Officer in respect of Class III and IV staff of the Headquarters for purposes of T.A. etc.

R. C. KAUSHESH,
Up Sachiv.

सामान्य प्रशासन विभाग

अधिसूचना

शिमला-2, 16 नवम्बर, 1978

कम जी-ए-डी (बी) एम-आई.—मुख्य सचिव, हिमाचल प्रदेश, विदेशक, पर्यटनोद्देश्य एवं तन्त्रस्थित क्षेत्र संस्थान, नानाली की, संस्थान से सम्बन्धित सभी कार्यशालाओं में काम कर रहे अराजकचित कर्मचारियों को अर्जित अवकाश देने के बारे में पूर्णशक्ति प्रदान करने का आदेश देते हैं। ऐसा करते समय सभी सम्बन्धित नियमों इत्यादि का ध्यान रखा जाएगा।

निदेशानुसार,
एल 0 एच 0 तोछंग,
मुख्य सचिव।

INDUSTRIES DEPARTMENT (CERTIFICATE OF APPROVAL)

Simla-2, the 25/26th October, 1978

No. Ind. VI (F)-12-48/78.—This is to certify that M/s Niranjana Singh Piara Singh, w/3/19/1, Prem Nagar, Dehradun (U.P.) is approved as person who is qualified to acquire Prospecting Licence and Mining Lease in respect of Mineral except Petroleum and Natural Gas in the State of Himachal Pradesh under the Mineral Concession Rules, 1960.

2. This certificate is valid upto 31-12-1978.

By order,
R. C. GUPTA,
Commissioner-cum-Secretary.

श्रम, रोजगार तथा मुद्रण विभाग

अधिसूचना

शिमला 7 नवम्बर, 1978

संख्या 4-43/75-श्रम (स्वा) दो.—इस विभाग की अधिसूचना सम संख्या दिनांक 6-6-78 के क्रम में, राज्यपाल, हिमाचल प्रदेश श्री पी 0 पी 0 सहगल, प्रधानाचार्य, को पद अवनति और श्री मान दास, फोरमैन को पदोन्नति के आदेश जो अधिसूचना सम संख्या दिनांक 5-4-78 द्वारा जारी किए गए थे, को 11-6-78 से आगे इस अधिसूचना जारी होने तक रोके रखने तथा तत्परन्त नुरन्त लागू करने के आदेश देते हैं।

हस्तक्षरित,
उप-सचिव।

गिमला-171002, 8 नवम्बर, 1978

संख्या श्रम (श्र) 1-37-78.—कृपया इस विभाग की अधिसूचना सम संख्या, दिनांक 9-10-78 के पैरा 1 में दिनांक 10-9-78, (अपरान्त) के बजाये 10-8-78 (अपरान्त) समझा जावे।

ए 0 एन 0 विद्यार्थी
सचिव।

M.P.P. & POWER DEPARTMENT

NOTIFICATIONS

Simla-2, the 6th October, 1978

No. MPP-F(6)-1/78.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be required to be taken by the Himachal Pradesh State Electricity Board on its own expense for a public purpose namely for the construction of 132 K.V. S/C Transmission Line from Dehar to Simla (Tower No. 9-A and T-47), it is hereby notified that the land in the locality described in the specification given below is likely to be acquired for the above purpose.

2. This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern

3. In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servant and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before Land Acquisition Collector, Himachal Pradesh State Electricity Board, Stokes Place Simla-2

SPECIFICATION

District: BILASPUR		Tehsil: SADAR	
Village	Khasra No.	Area Big.	Bis.
1	2	3	4
BARMANA	53/1	0	3
SAI-BRAHMANA	431/1	0	1
	433/1	0	3
Total ..		0	7

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh State Electricity Board at its own expense for a public purpose*. It is hereby notified that the land in the locality described in the specification given below is likely to be acquired for the said* purpose.

2. This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Himachal Pradesh State Electricity Board, Stokes Place, Simla-2.

* Construction of Labour shed, residential colony, roads, Haulage way and surge shaft to Power House Bhaba Hydel Project, District Kinnaur.

No. MPP-F(6)-2/78. Simla-2, the 12th October, 1978.

SPECIFICATION

District: KINNAUR

Tehsil: NICHAR

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
KANDHAR	600	2	1
	602	0	10
	603	1	3
	615	0	8
	617	1	17
	861/1	2	5
	862/1	1	11
	863	2	6
	870/1	2	5
	871/1	1	10
	66/1 min.	2	0
	803/1	1	0
	666/1 min.	2	0
	566	0	8
	587	3	6
	644/1	0	11
	593	1	13
	802/1	1	4
	588	0	2
	667/1	1	7
	669/1	2	5
	801/1	0	19
	796/1	2	10
	831/1	1	6
	780/1	0	3
	586	1	7
	791/1	1	14
	792/1	1	5
	589	2	4
	860/1	1	15
	618	0	2
	619	0	19
	640/1	0	12
	649/1	0	2
	772/1	3	7
	774/1	1	17
	790/1	2	7
	879/1	1	3
	88/1	2	12
	1/1	10	14
	1/2	2	10
	595	1	2
	604	1	6
	605	1	9
	823/1	6	0
	608	0	10
	834/1	5	4
	844/1	1	3
	590	1	18
	612	0	13
	613	0	6
	702/1	2	9
	569	1	7
	707/1	0	10
	817/1	6	12
	636/1	1	4
	570	2	11
	635/1	0	8

1	2	3	4
	607	2	4
	577	1	5
	578	4	2
	579	0	4
	574	0	9
	575	0	9
	583	0	3
	890/1	5	17
	675/582	1	11
	676/582	2	1
	567	0	4
	568	2	11
	591	0	16
	596	2	1
	597	1	2
	601	2	9
	891/1	1	0
	892/1	4	10
	571	0	4
	584	2	15
	585	2	1
	614	1	7
	576	0	12
	828/1	1	0
	572	2	6
	573	0	3
	620	0	5
	632/1	1	4
	689/1	1	0
	826/1	0	11
	827/1	2	16
	611	0	4
	610	0	13
	609	0	5
	580	0	6
	616	0	6
	581	0	19
	598	0	4
	599	0	7
	592	1	2
	594	1	6
	818/1	1	6
	819/1	0	10
	820/1	0	5
	821/1	2	15
	824/1	2	4
	901/606	0	19
	902/606	0	13
Total Kita	106	169	4

* Construction of Wangtoo-Bhaba road, District Kinnaur.

No. MPP-F(6)-2/78. Simla-2, the 12th October, 1978

BHABA 5282/4177/1 0 9

By order,
H. S. DUBEY,
Secretary.

PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-2, the 26th October, 1978

No. 15/2/74-PW-B.—In supersession of this Department's notification of even number, dated 13-11-1975 and in exercise of the powers vested in him under section 10 (1) (b) of the Himachal Pradesh Requisitioning and Acquisition of Immovable Property Act, 1972 (Act No. 20 of 1973), the Governor, Himachal Pradesh, is pleased to appoint Shri Jai Chand Malhotra, Secretary (Law) to the Government of Himachal Pradesh, to act as an Arbitrator in respect of the claims put forward by Shri Roshan Lal Butail, owner of the building viz., New Butail Building, Set No. 5, requisitioned for the purposes of the State.

Simla-2, the 26th October, 1978

No. 15-2/74-PW-B.—In supersession of this Department's notification of even number, dated 15-11-1975

and in exercise of the powers delegated to him under section 8 (1) (b) of the Requisitioning and Acquisition of Immovable Property Act, 1952 (Act XXX of 1952) read with the Government of India, Ministry of Home Affairs, S.R.O. 2519, dated 24-5-1957, the Governor, Himachal Pradesh is pleased to appoint Shri Jai Chand Malhotra, Secretary (Law) to the Government of Himachal Pradesh, to act as an Arbitrator in respect of the claims put forward by Shri Roshan Lal Butail, owner of the building viz., New Butail Building, Set Nos. 11 and 12 requisitioned for housing the Post Office, Lower Bazar, Simla.

By order,
B. C. NEGI,
Secretary.

लोक निर्माण विभाग

अधिसूचनाएं

शिमला-2, 7 नवम्बर, 1978

नम्बर 9-13/73-पी. डब्ल्यू. डी.—जबकि हिमाचल प्रदेश के राज्यपाल को ऐसा प्रतीत होता है कि हिमाचल प्रदेश राज्य सरकार को सार्वजनिक प्रयोजन के लिये शासन व्यय पर केवल-वे राजपुर मार्ग निर्माण हेतु भूमि की आवश्यकता है। इसलिए अधिसूचना जारी की जाती है कि इस भूमि की निम्नलिखित स्थान में उपरोक्त प्रयोजनार्थ भूमि अर्जित किये जाने को सम्भावना है।

यह अधिसूचना सभी सम्बन्धित व्यक्तियों को भूमि अर्जन अधिनियम, 1894 की धारा 4 के अन्तर्गत जारी की जाती है।

पूर्वोक्त धारा के अन्तर्गत प्रदत्त शक्तियों के आधार पर हिमाचल प्रदेश के राज्यपाल उन अधिकारियों, कर्मचारियों व कामगारों को जो इस कार्य में अभियोजित हैं को प्राधिकृत करते हैं कि वह इस स्थान व भूमि में प्रवेश होकर भू-व्यवस्था और अन्य कार्य जिनकी आवश्यकता हो उपरोक्त धारा के अनुसार करें।

यदि किसी सम्बन्धित व्यक्ति को उस स्थान में भूमि अर्जन करने के विषय में कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशन के 30 दिन के अन्दर भूमि अर्जन अधिकारी, शिमला-2 के सम्मुख अपना विवरण लिखित रूप में प्रस्तुत कर सकते हैं।

विशिष्ट

जिला: शिमला

तहसील: रामपुर

क्षेत्र

गांव	खसरा नम्बर	विधा	विस्वा
1	2	3	4
सनारसा	513/2	10	0

आदेश से,
बी 0 सी 0 नेगी,
सचिव।

Simla-2, the 8th November, 1978

No. 9-9/73-PW-'B'.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of On-Bajinath-

Lad Bharol-Kandapattan road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Mandi

SPECIFICATION

District: MANDI

Tehsil: JOGINDER NAGAR

Village	Khasra No.	Area
1	2	Big. Bis. Bisw.
		3 4 5
BHAROL	1737/1568/1	1 12 8

By order,
B. C. NEGI,
Commissioner-cum-Secretary.

Simla-2, the 18th November, 1978

No. 1-20/73-PWD.—In continuation of this Department notification of even number, dated the 21st February, 1978, the Governor, Himachal Pradesh, in consultation with the H. P. Public Service Commission, is pleased to extend the *ad-hoc* appointment of Shri M. S. Kaloti in Himachal Pradesh. P.W.D. (Electricity Wing) for a further period of 3 months w.e.f. 21-8-1978 to 20-11-1978 or till such time the post is filled up on regular basis whichever is earlier.

B. C. NEGI,
Commissioner-cum-Secretary.

REVENUE DEPARTMENT PONG DAM CELL

CORRIGENDUM

Simla-2, the 5th October, 1978

No. 4-3/77-Rev. Cell.—Please substitute khasra No. 11/1 for khasra No. 8/1 appearing under Head 'Specification' of notification of even number dated the 20th February, 1978, for the land for construction of 220 K.V. D/C Transmission Line from Sundernagar to Talwara in Village Batlehar, Mauza Barot, Tehsil Nurpur, Other particulars remain the same.

By order,
H. S. DUBEY,
Secretary.

अधिसूचना

शिमला-171002, 6 अक्टूबर, 1978

संख्या राजस्व-1 (ख) 6-1/78.—वित्त आयुक्त, हिमाचल प्रदेश, इस विभाग के सम संख्यक अधिसूचना दिनांक 24-8-78 में आंशिक संशोधन करते हुए श्री गोपी चन्द, तहसीलदार, कात्पा व श्री हीरा सिंह ठाकुर, तहसीलदार, कण्डाघाट (कम संख्या 16 व 17) के स्थानान्तरणों के आदेशों को स्थगित करने के आदेश सहर्ष करते हैं।

हस्ताक्षरित,
उप-सचिव।

Simla-171002, the 9th October, 1978

No. 4-2/78-Rev. Cell.—Whereas it appears to the Governor of Himachal Pradesh that the land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Pandoh Dam Reservoir in Village Pandli, Tehsil Chachiot is District Mandi, Himachal Pradesh, it is hereby notified that land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas-Sutlej Link Project, Mandi district, Mandi, Himachal Pradesh.

SPECIFICATION

District: MANDI

Tehsil: CHACHIOT

Village 1	Khasra No. 2	Area Big. Bis. Bisw.		
		3	4	5
PANDLI	4	0	1	5
Total	..	0	1	5

Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely*. It is hereby notified that the land in the locality described below is likely to be required for the said* purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of the said land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas-Sutlej Link Project, Mandi, District Mandi (H.P.).

*Erection of tower locations of 400 KV S/C Dehar-Panipat line under Beas Project for the Beas Construction Board (Power Wing), Tehsil Sadar, District Bilaspur (H.P.).

No. 4-1/77/Rev.-Cell. Simla-2, the 17th October, 1978

SPECIFICATION

District: BILASPUR

Tehsil: SADAR

Village 1	Khasra No. 2	Area Big. Bis.		Tower No. 5
		3	4	
LAKHANPUR	76/2	0	3	TL. No. 56

	1	2	3 4		5
			0	3	
		75/1	0	6	
		765	0	1	TL. No. 75
		461/1			
		76/1	0	6	TL. No. 55
KOT	73		0	5	TL. No. 79
	23/1		0	3	TL. No. 81
	29/1		0	3	
			0	6	
NALL	68/1		0	4	TL. No. 59
DINOH	79/1		0	5	TL. No. 49
	52/1		0	1	
			0	6	
NAI SARLI	154/1		0	2	TL. No. 72
	155/1		0	3	
	156/1		0	1	
			0	6	
	84/1		0	4	TL. No. 73
	82/1		0	2	
			0	6	
KUNYALA	116/1		0	3	TL. No. 60
	109/1		0	2	
			0	5	
KUTEEHLA	561/1		0	6	TL. No. 90
MANDLOH	69/1		0	1	TL. No. 68
	21/1		0	2	
	43/1		0	2	
	21/2		0	1	
			0	6	
OEL	03/98/1		0	3	TL. No. 51
	1102/98/1		0	3	
			0	6	
	167/125/98/1		0	2	TL. No. 52
	126/98/1		0	3	
			0	5	
	67/1		0	4	TL. No. 53
	72/1		0	4	
			0	8	
DHAN SWAI	334/100/1		0	6	TL. No. 82
MANVA	665/395/1		0	6	TL. No. 64
	633/364/338/1		0	6	TL. No. 65

By order,
H. S. DUBEY,
Secretary.

Simla-2, the 26th October, 1978

No. Rev. I-A (2)-2/76.—In exercise of the powers vested in him under clause (a) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of the Collector under the said Act, to be exercised by them, within the local limits of their respective jurisdictions as specified against each below subject

to the control of the Collector of the district, with immediate effect:—

Name and designation of Officers	Area of jurisdiction
1. Shri Karam Singh, A.D.M., Mandi.	Mandi district.
2. Shri Satpal Singh, S.D.O. (C), Sundernagar.	Sundernagar Sub-Division.
3. Shri R. L. Seth, S.D.O. (C), Mandi and Chachiot.	Mandi and Chachiot Sub-Division.
4. Miss H. Hira, S.D.O. (C), Rajgarh.	Rajgarh Sub-Division.
5. Shri S. M. Katwal, S.D.O. (C), Hamirpur.	Hamirpur Sub-Division.

Simla-2, the 26th October, 1978

No. Rev-I-A (2)-2/76.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition

Act, 1894 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of a Collector under the said Act to be exercised by them within the local limits of their jurisdictions as specified against each below, with immediate effect:—

Name and designation of Officers	Area of jurisdictions
1. Shri Sat Pal Singh, S.D.O. (C), Sundernagar.	Sundernagar Sub-Division
2. Shri R. L. Seth, S.D.O. (C), Mandi and Chachiot.	Mandi and Chachiot Sub-Divisions.
3. Miss H. Hira, S.D.O. (C), Rajgarh.	Rajgarh Sub-Division.
4. Shri S. M. Katwal, S.D.O. (C), Hamirpur.	Hamirpur Sub-Division.

By order,
H. S. DUBEY,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

CO-OPERATION DEPARTMENT

NOTIFICATION

Simla-171004, the 18th October, 1978

No. Co-op. III-155/77-IND.—In order to suggest diversification of the present activities of the Shiwalik Rosin and General Mills Ltd. Gagret, District Una in the contract of the prevailing shortage of raw rosin and to bring it on sound footing a Technical co-ordination sub-committee consisting of the following is constituted:—

- (1) Joint Registrar, Co-operative Societies, Himachal Pradesh .. Chairman.
- (2) District Industries Officer, Una .. Member.
- (3) District Co-op. and Supplies Officer, Una .. Member-Secretary.
- (4) Shri K. J. S. Parmar, Representative Soldier war construction Fund Himachal Pradesh .. Member.
- (5) President, Shiwalik Rosin Mills Ltd. Una. .. Member.

This committee shall meet at Una or Gagret from time to time and place its technical opinion before management for the economic betterment of the society. The term of the committee shall be for one year from the date of issue of this notification. The T. A. and D. A. of the members shall be paid by the respective departments. District Co-operative and Supplies Officer, Una shall function as Member-Secretary.

C. P. SUJAYA,
Registrar.

INDUSTRIES DEPARTMENT

DECLARATION UNDER SECTION 24 OF THE H. P. STATE AID TO INDUSTRIES ACT, 1971

Dharamsala, the 21st September, 1977

No. Ind. (Loans)/RIP/770/8744-47.—Whereas a notice was served on M/s Agriculture Engineer Works V. and P.O. Mohtli, Tehsil Nurpur, District Kangra on 8-6-1977 under section 23 of the Punjab/H.P. State Aid to Industries Act, 1935/71 calling upon the said M/s Agriculture Engineer Works, V. and P.O. Mohtli to pay to me the sum of Rs. 500 interest with interest thereon at the rate of 11½% per annum from 12-3-76 till date of final payment and whereas the said sum has not

been paid in full. I hereby declare the sum of Rs. 5,000 plus 11½% interest with further interest thereon @ Rs. 11½% per annum from 12-3-76 till date of final payment is due from the said M/s Agriculture Engineer Works, V. and P.O. Mohtli and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee or sureties M/s Agriculture Engineer Works, V. and P.O. Mohtli Tehsil Nurpur, District Kangra.

1. Land measuring 12 Kanals and 5 Marlas comprised in Khata Khatauni No. 17 Khatauni No. 60, 1/2 share of Khata No. 789/178 situated in V. and P.O. Mohtli, Tehsil Nurpur (Kangra)-

2. House consisting factory building and its value Rs. 2,000 having single storey standing on land comprised in Khasra No. 789/178, 1/2 share of Khasra No. 789/178.

O. P. GHARU,
District Industries Officer.

PUBLICATION UNDER SECTION 24 OF THE ACT

Simla-1, the 17th October, 1978

No. SML/LOAN. DIO/RIP/3648-50.—Whereas a notice was served on Shri Mast Ram s/o Shri Giaru Ram, Village, Post Office & Tehsil Chopal, District Simla, on mis-utilisation of loan under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Shri Mast Ram s/o Shri Giaru Ram to pay to me sum of Rs. 1,000 plus interest on or before 26-8-78 and whereas the said sum has not been paid, I, hereby declare that said sum of Rs. 10,000 plus interest plus penal interest is due from the said Shri Mast Ram s/o Shri Giaru Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

1. Sole owner of land measuring 14 Bighas, 5 Biswa, Khata Khatuni No. 111, 106, Khasra Nos. 1123,

1250, 1126/2, 1128, 1121, 1218/1, 1218/3, 1011, 1012, 1115, 1116, 1118, 1157, 1168, 1211, situated at village Chopal.

Sd/-
Project Executive Officer,
Rural Industries Project, Simla-1.

PUBLICATION UNDER SECTION 24 OF THE ACT
Simla-1, the 17th October, 1978

No. SML/LOAN.DIO/RIP/3654-57.—Whereas a notice was served on Shri Nika Ram s/o Shri Giaru Ram Village and Post Office Chopal, Tehsil Chopal, District Simla, on Mis-utilisation of loan under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Shri Nika Ram s/o Shri Giaru Ram to pay to me sum of Rs. 9000 plus interest on or before 30-9-78 and whereas the said sum has not been paid, I, hereby declare that said sum of Rs. 9000 plus interest+Penal Intt. is due from the said Shri Nika Ram s/o Shri Giaru Ram and the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

1. Owner of land measuring 13 Bighas 19 Biswas, Khata Khatuni No. 111, 106, Khasra Nos. 1123, 1260, 1126/2, 1128, 1121, 1218/1, 1218/3, 1011, 1012, 1115, 1116, 1118, 1157, 1168, 1211, situated at village Chopal.

Sd/-
Project Executive Officer,
Rural Industries Project, Simla-1.

लोक निर्माण विभाग

अधिसूचना

शिमला-171003, 20 अक्तूबर, 1978

संख्या एस 0 ई 0-11-54-1/15456-59.—चूंकि हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सरकार द्वारा सार्वजनिक प्रयोजन अर्थात् शालिन्धरालिक से कोटी-जंगा के निर्माण के लिए सार्वजनिक व्यय पर भूमि ली जानी अपेक्षित है एतद्द्वारा यह घोषित किया जाता है कि नीचे विनिर्देश में वर्णित भूमि उपयुक्त प्रयोजन के लिए अपेक्षित है।

2 भूमि अर्जन अधिनियम, 1894 की धारा 6 उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों को यह घोषणा की जाती है तथा उक्त अधिनियम को धारा 7 के उपबन्धों के अधीन भू-अर्जन कुलैक्टर, हिमाचल प्रदेश लोक निर्माण विभाग को एतद्द्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निर्देश किया जाता है।

3 भूमि की रेखा कृति का निरीक्षण भूमि अर्जन समिति, हिमाचल प्रदेश लोक निर्माण विभाग के कार्यालय में किया जा सकता है।

विनिर्देश

जिला: शिमला		तहसील: शिमला		
गांव	खसरा नं०	विशेष		विषय विस्वा
		3	4	
भंडेच	11/1	0	15	
	21/1	0	5	
	32	0	11	
	10/1	0	13	
	12/1	0	17	
	12/3	0	2	
	553/39/1	2	2	
	34/1	1	5	
	217/1	0	16	
	220/1	0	14	
	219/1	0	14	
किता	11	8	14	

बनवारी लाल शर्मा,
अधीक्षण अभिन्याता,
द्वितीय वृत्त शिमला-3।

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

PERSONNEL DEPARTMENT (TRAINING)

NOTIFICATION

Fair Lawns, Simla-171012, 24th October, 1978

No. HIPA(Estt.)-10/73.—In exercise of the powers vested in him under proviso to Article 309 of the Constitution of India, and all other powers in this behalf, the Governor, Himachal Pradesh is pleased to make the following rules to further amend the Himachal Pradesh Institute of Public Administration, Class III Service Rules, 1973, notified vide No. 2-9/73-DP(Appt-11), dated 30-11-1973 as amended vide notifications of even number dated 21-6-1974, 18-3-1975, 7/9-5-75, 29-5-76, 24/25-3-77, 2-2-78 and 26-5-1978.

1. Short title and commencement.—(1) These rules may be called Himachal Pradesh Institute of Public Administration Class-III Service (8th Amendment) Rules, 1978.

(2) These rules shall come into force once.

AMENDMENTS/SUBSTITUTION

1. Rule 5(1) shall be substituted by the following:—

A candidate for appointment to any service of post must be:—

- a citizen of India, or
- a citizen of Nepal; or
- a subject of Bhutan; or
- a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or
- a person of Indian origin who has migrated from Pakistan, Burma, Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the State Government/Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of Himachal Pradesh/Government of India.

AMENDMENT/SUBSTITUTION IN THE ANNEXURE

In the Annexure to the H.P. Institute of Public Administration, Class-III Service Rules, 1973, the following amendments/substitutions shall be made:—

1. In column 8 against serial No. 3 (Senior Scale Stenographer), the prescribed shorthand/type speed shall be substituted by the following:—

Essential.—2. Shorthand/type speed in Hindi 80/25 words per minute.

2. In column 8 against serial No. 4 (Junior Scale Stenographer) the prescribed shorthand/type speed shall be substituted by the following:—

Essential:

(i) Shorthand/type speed in Hindi 60/25 words per minute.

3. In column 8 against serial No. 5 (Clerks), the prescribed type speed shall be substituted by the following:—

Essential:

(i) type speed in Hindi 25 words per minute.

4. The following shall be added as foot-note (1) to the said annexure:—

Foot-note.—It is not necessary for a candidate appearing for interview to the post of Clerk to qualify the type test at the time of interview. But he shall have to qualify the test within 6 months of his appointment as Clerk, which period can be extended to all to one year. A candidate who fail to qualify the said type test within this period of one year, he shall be terminated from the service.

S. N. VERMA,
Deputy Secretary (Training).

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-171002, the 2nd September, 1978

No. 16-10/73-Agr.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, is pleased to make the following Rules to amend the Himachal Pradesh Agriculture Class III (Executive Section) Service (Recruitment, Promotion and certain conditions of service) Rules, 1973 (Part-II) notified vide Notification of even number, dated the 30th November, 1973, as amended subsequently, namely:—

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Agriculture Class III (Executive Section) Service (Recruitment, Promotion and certain conditions of service) (Part-II) (Fourth Amendment) Rules, 1978.

(b) These shall come into force with immediate effect.

2. *Amendments.*—The existing Sl. No. 1 and the corresponding entries thereto in Col. 1—10 of Annexure 'A' to the Himachal Pradesh Agriculture Class-III (Recruitment, Promotion and certain conditions of service) Rules, 1973 (Part-II) hereinafter called the said rules, shall be deleted.

3. The existing Sl. No. 2 of Annexure 'A' to the said rules, shall be re-numbered as Sl. No. 1 and the existing words "do" appearing in Col. 2, 5, 6 and 10 thereto shall be substituted by the following entries:—

Col. 2 .. Class-III.
Col. 5 Non-selection.

Col. 6

1. 18—27 years.
2. Upper age limit will be relaxable by 3-5 years in case of highly qualified persons.

Col. 10

.. As may be constituted from time to time."

4. The existing Serial No. 3 and the corresponding entries in col. 1—10 thereto of Annexure 'A' to the said rules, shall be deleted.

5. The existing Sl. No. 5 and Sl. No. 6 and the corresponding entries thereto in col. 1 to 10 of Annexure 'A' to the said rules, shall be deleted.

6. The existing Sl. Nos. 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, and 46 of Annexure 'A' to the said rules shall be re-numbered as Sl. Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 respectively.

7. The existing figures in Col. 3 of Sl. Nos. 4, 7, 10, 13, 17, 21, 23, 24, 26, 29, 32, 33, 34, 35, 38 and 39 of Annexure 'A' to the said rules, shall be substituted for the following figures:—

"Sl. No.	Col. 3
4	390
7	16
10	14
13	44
17	21
21	5
23	3
24	2
26	3
29	2
32	3
33	5
34	3
35	3
38	205
39	40"

8. For the existing pay-scale appearing in Col. 4 of Sl. No. 18 of Annexure 'A' to the said Rules, the following shall be substituted:—

"130—200"

9. The existing Sl. No. 42 and the corresponding entries thereto in Col. 1 to 10 of Annexure 'A' to the said rules, shall be deleted.

By order,
ANANG PAL,
Secretary.

HORTICULTURE DEPARTMENT

NOTIFICATION

Simla-171002, the 8th September, 1978

No. HTC-A (3)-1/77.—The Governor, Himachal Pradesh, is pleased to promulgate the following rules for the grant of incentives for the development of mushroom cultivation in Himachal Pradesh:—

RULES

1. *Short title and commencement.*—These rules may be called the Grant of Incentives Subsidy for the Development of Mushroom Cultivation in Himachal Pradesh Rules, 1977.

2. *Definition.*—In these rules, unless the context otherwise requires:—

- 'Appellate Authority' means Agricultural Production Commissioner, Himachal Pradesh.
- 'Building Material' means the material required for the construction or renovation of a buildings, for mushroom cultivation.

- (c) 'Department' means the Department of Horticulture, Himachal Pradesh, Simla-2.
- (d) 'Electricity charges' means the tariff levied on the power consumption by the Himachal Pradesh State Electricity Board.
- (e) 'Financial Institution' means the scheduled banks.
- (f) 'Freight charges' means the charges for the transport of compost or material for compost making for mushroom cultivation.
- (g) 'Government' means the Government of Himachal Pradesh.
- (h) 'Octroi Duty' means the duty levied in the form of Octroi by a Municipal Corporation/Committee or any other authority in Himachal Pradesh.
- (i) 'Registration' means the registration of the mushroom units by the entrepreneurs with the Department of Horticulture, Himachal Pradesh as a prerequisite for availing the incentives under the scheme.
- (j) 'Scheme' means a horticultural development scheme having an element of the grant of incentives to the prospective mushroom growers for developing mushroom cultivation.

3. *Purpose.*—The purpose of these rules is to promote the development of mushroom cultivation in Himachal Pradesh by allowing incentives/subsidies to the entrepreneurs in this field.

4. *Eligibility.*—The subsidy under these rules shall be given to the small and marginal farmers identified by the Small Farmers Development Agencies and to unemployed graduates.

5. *Extent of subsidy.*—(i) *Building material.*—The Government shall give priority to the mushroom units in the matter of allotment of controlled building material like cement, iron and steel etc. The Civil Supplies Department shall allot special quota for meeting the minimum requirements of the mushroom growers on the basis of recommendation from the Director of Horticulture or his representative as may be notified from time to time.

(ii) *Subsidy on rate of interest.*—(a) Special subsidy on rate of interest will be given to all the mushroom growers on loans taken for capital investment where the cost of land, building and machinery does not exceed Rs. 25,000. The subsidy shall be given only for the capital cost and shall be disbursed through the financial institutions. The amount of subsidy will be as much as to bring the interest 3% below the bank lending rate. To be eligible for this subsidy, the entrepreneurs will get the scheme of financing the setting up of mushroom farm, approved from the Director of Horticulture, Himachal Pradesh either himself or through the financial institutions.

(b) The application for grant of subsidy on rate of interest shall be duly verified by the Manager of the Bank from where the loans for capital investment

has been obtained. The subsidy shall be claimed yearly and shall be paid duly to the financial institution for adjustment towards the payment of interest.

(iii) *Subsidy on capital investment.*—The Government of Himachal Pradesh shall give 10% outright subsidy on capital investment to the entrepreneurs for setting up mushroom units containing trays not exceeding 100 trays each and subject to a maximum of Rs. 25,000 in an individual case, depending upon the size of the unit. The approximate capital investment required for setting up of the mushroom units of different capacities and the subsidy admissible, thereon is given in the below, mentioned table:—

Sl. No.	Size of the unit	Capital investment	Subsidy admissible
		Rs.	Rs.
1.	50 trays	13,000	1,300
2.	100 trays	25,000	2,500

(iv) *Subsidy on the manufacture of compost.*—25% subsidy shall be given in cash on the manufacturing of compost to the manufacturing unit of the Himachal Pradesh Horticulture Produce Marketing and Processing Corporation so that the farmers could get compost at subsidized rates.

(v) *Freight subsidy.*—Compost is the major raw material in the production of mushrooms, requiring the provision of freight subsidy. The subsidy on the freight of compost shall be taken care of by the Department/University or the Co-operative/corporate sector, and the freight shall be subsidized 100% or the actual freights in favour of the supplier.

6. *Sanction/withdrawal and payment of subsidy.*—(a) The Director of Horticulture, Himachal Pradesh or any other officer authorised by him shall be the sanctioning authority in respect of the subsidy on various items under the scheme.

(b) The applicants shall apply for availing the subsidy under the scheme in the prescribed application (annexure I) to the District Horticultural Officer to respective district along with requisite documents/certificates, who along with his recommendation shall submit the same to the Director of Horticulture or to any other officer authorised by him for the purpose, for his sanction.

(c) The requisite funds for the payment of subsidy shall be drawn from the treasury by the District Horticultural Officer or any other officer who has been delegated powers by the Director of Horticulture, Himachal Pradesh in this regard, for disbursement to the beneficiary after all the formalities have been completed and sanction has been accorded.

7. *Audit of Accounts.*—The Accounts in respect of the subsidy under the scheme shall be open to audit, by the Accountant General, Himachal Pradesh.

8. *Allotment of funds and maintenance of accounts.*—The funds for the grant of above subsidy shall be allotted annually to each District Horticultural Officer concerned or any other drawing and disbursing officer by the Director of Horticulture, Himachal Pradesh according to the budget provision. The drawing and disbursing officer shall maintain separate record of the amount/funds disbursed to each beneficiary in the ledger form as prescribed.

9. *Penalty for Misutilisation.*—The beneficiary found guilty of misutilisation of subsidy shall forfeit his right of availing of such departmental facilities in future and shall have to refund the amount of subsidy in full in lumpsum failing which the same shall be recovered as arrears of land revenue.

All disputes arising in following these rules and in the implementation of the scheme shall be referred to the Appellate Authority under the rules, for final disposal and whose decision would be final and binding on all the parties.

10. *Head of account under which funds have been provided.*—“305—Agriculture (p) Horticulture—(p) (iii), (xi): Development of Mushroom Cultivation.

ANNEXURE I

The Director of Horticulture,
Himachal Pradesh, Simla-2.

Subject.—Grant of subsidy for mushroom production.

Sir,

I/We have the honour to state I/We have established/wish to set up a Mushroom Unit at.....
Tehsil..... District.....
Himachal Pradesh with detail as follows:—

- (i) Size of the unit: Trays.
- (ii) Registration/provisional Registration No.
- (iii) Loan taken, if any, for the unit along with name of the Financial Institution.
- (iv) Whether the unit has gone into production, if so total production during the year.....

2. I/We shall feel grateful if we are granted subsidy on the following:—

Sr. No.	Particulars	Quantity/Rate	Amount
---------	-------------	---------------	--------

(i)

(ii)

(iii)

(iv)

(v)

3. The requisite certificates/documents in respect of the subsidy requested for are enclosed for favour of further necessary action.

4. I/We give an understanding to the effect that the department of horticulture will have a right to verify the records of my/our mushroom unit and/or inspection of the unit for verification of my/our eligibility for availing the subsidy.

5. Certify that in case of any misutilisation of subsidy/availing the subsidy on fraudulent grounds, I/We shall be liable to refund the amount of subsidy granted to me/us in lumpsum, failing which the same shall be recovery from me/us as arrear of land revenue.

6. I/We certify that I/We have studied the rules governing the grant of incentives for mushroom cultivation and agree to abide by the same.

7. It is to certify that the information given above is true to our knowledge and belief and nothing in this regard has been concealed therein.

Yours faithfully,

Name

Address

Recommendation of the District Horticultural Officer.

ANNEXURE II

CERTIFICATE OF THE BANK/FINANCIAL INSTITUTION

(For subsidy on interest only)

We..... certify that we have seen the account of M/s..... and confirm that the total interest payable by the applicant for the year..... in respect of loan on capital investment taken for their mushroom unit located at..... is Rs..... The applicant is entitled to Rs..... as subsidy on rate of interest so as to bring the same to 3% below current lending rate. It is further certified that in the above calculation the working capital has not been taken into consideration.

Name and Designation of the
Manager of the Bank/Financial Institution.

ANNEXURE III

MUSHROOM PRODUCTION RECORD

Name of Unit.....

Year

Season

Sl. No.	Date of picking	Quantity of produce	Mode of disposal of produce
---------	-----------------	---------------------	-----------------------------

PROGRAMME FOR KEEPING THE RECORD OF BENEFICIARIES

Sl. No.	Name of beneficiary	Address	Kind of subsidy
1	2	3	4

Subsidy given	Bill No. and date <i>vide</i> which subsidy drawn	Date of payment	Remarks
5	6	7	8

GIAN CHAND,
Awar Sachiv (Udyan).

REVENUE DEPARTMENT
NOTIFICATION

Simla-171002, the 22nd September, 1978

No. 3-12/73-Rev. A. - In exercise of the powers conferred under the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf the Governor, Himachal Pradesh, is pleased to make the following rules further to amend the Himachal Pradesh Consolidation of Holdings Department ClassIII [Non-Gazetted (Technical) Services, Recruitment, Promotion and certain condition of service] Rules 1973, notified *vide* notification No. 3-12/73-Rev. A, dated 28-12-1973 as amended from time to time, namely:—

1. *Short title and commencement.*—(i) These Rules shall be called the Himachal Pradesh Consolidation of Holdings Department Class III Non-Gazetted (Technical) Services, Recruitment, Promotion and certain conditions of service (Second Amendment) Rules, 1978.

(ii) These rules shall come into force with immediate effect.

II. AMENDMENTS

1. Sub-Rule (1) of Rule 5 of the Himachal Pradesh Consolidation of Holdings Department Class III Non-Gazetted (Technical) services, Recruitment, Promotion and certain conditions of service) Rules, 1973, hereinafter referred to, as the 'said rules', shall be substituted as under:—

- (1) A candidate for appointment to any post in the service must be,—
- (a) a citizen of India, or
 - (b) a subject of Nepal, or
 - (c) a subject of Bhutan, or
 - (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
 - (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India/State Government.

2. In sub-rules (ii) of rule 7 of the said rules, the following shall be added:—

'22% and 5% of the posts shall be reserved for scheduled caste and scheduled tribe candidates respectively.'

3. After rule 7 of the said rules the following shall be added as rule 7-A:—

7-A Departmental Examination:

(1) Assistant Consolidation Officer will be required to pass the prescribed departmental examination of Naib-Tehsildar within two years of his appointment as such provided that the Financial Commissioner, may allow another chance in writing to pass the said Departmental Examination. No person will be entitled for his annual increments of pay till he qualified the prescribed departmental examination.

(2) Kanungo is required to pass the prescribed departmental examination of Kanungo within three years of his appointment as such provided that the Financial Commissioner may allow another chance in writing to pass the same. No person shall be entitled for his annual increments or pay till he qualify the prescribed departmental examination. The qualified Kanungos will be eligible to appear in the prescribed departmental examination of Naib-Tehsildar.

4. Sub-rule (i) of rule 7 of the said rules be substituted as under :—

(i) Assistant¹ Consolidation Officer.—The posts of Assistant Consolidation Officers shall be filled in by promotion from amongst the Kanungos, Assistants and Stenographers, of the Consolidation Department i.e. 85% from amongst the Kanungos and 15% from amongst the Assistants and Stenographers on the basis of seniority subject to the rejection of unfit, 22% and 5% of the posts shall be reserved for the candidates belonging to the Scheduled Caste and Scheduled Tribe respectively.

(Note.—For this purpose a combined seniority list of the Assistants and Stenographers will be prepared on the basis of length of service).

5. The words 'Selection' occurring in Col. 5 of Annexure-A of the said rules against the post of Assistant Consolidation Officer shall be substituted by the words 'Non-selection'.

By order,
H. S. DUBEY,
Secretary.

TRIBAL DEVELOPMENT DEPARTMENT

ADDENDUM

Simla-171002, the 11th September, 1978

No. PLG-(F)-10-3/78-TD.—The Governor, Himachal Pradesh is pleased to make the following amendments in the Rules governing grant of T.A. and D.A. to the official and non-official members of the Himachal Pradesh Tribes Advisory Council, contained in Annexure to Welfare Department's Notification No. W/LF. A. (4)-4/75, dated the 17th June, 1976:—

Under Rule at Sl. No. 2 of the Annexure the existing sub-rule (F) to (K) be re-numbered and read as “(G), (H), (I), (J), (K) and (L) and a new under-

of Members of Parliament Act, as amended from time to time.

This issues with the concurrence of the Finance Department *vide* their U.O. No. 1904/Fin. (C)-B (15)-11/76, dated 10-8-1978.

By order,
M. S. MUKHERJEE,
Commissioner

पंचायती राज विभाग

अदेश

शिमला-2, 7 नवम्बर, 1978

संख्या पी० सी० एच० एच० ए०(५) १८४/७७.—क्योंकि श्री बली राम भूतपूर्व प्रधान तथा वर्तमान उप-प्रधान, ग्राम पंचायत मझवाड़ तहसील सदर, जिला मण्डी के विरुद्ध उन द्वारा श्री गोपी राम भूतपूर्व सदस्य लोक सभा को नौतोड़ भूमि के प्राप्ति के बारे झुठा प्रमाण-पत्र जारी करने के आरोप जांच करने पर सिद्ध हो चुके हैं।

11. श्रीर क्योंकि उक्त श्री बल राम को अपनी सफाई पेज करने के लिए कारण बताओ नोटिस दिनांक 6-6-78 को दिया गया था ।

और कारण बताओ नोटिस का उन से प्राप्त उत्तर विचार करने पर संतोषजनक नहीं पाया गया ।

अतः राज्यपाल हिमाचल प्रदेश उक्त श्री वली राम उप-प्रधान, ग्राम पंचायत मल्लाड़ को, हिमाचल प्रदेश पंचायती राज अधिनियम की धारा 54 के अन्तर्गत निष्काशित करने के लिये आदेश प्रदान करते हैं।

जी० एस० चौहान,
अवर सचिव ।

In the Court of District Judge, Kangra Division at
Dharamsala

LUNANCY ACT CASE No. 2/78

Shri Bisu Ram s/o Shri Kharku Ram, r/o Buhali
Kholi, Post Office Rajiana, Tehsil and District Kangra.

Versus

The Public.

Application for the appointment of Manager under
the Indian Lunacy Act.

To

The General Public.

Whereas the above named petitioner having applied for the appointment of Manager of person and property of Shri Ram Saran s/o Bisu Ram, r/o Buhali Kholi, Tehsil and District Kangra.

Notice is hereby issued to the General Public to file objection if any, against the appointment of Manager in favour of the petitioner on 2-12-1978 at 10 A.M. in this court at Dharamsala.

In case no objection is received in this court on or before the above date fixed, further proceedings with regard to the appointment of Manager in favour of the petitioner will be taken.

Given under my hand and the seal of the court
this 10-11-1978.

Seal.

Sd/-
District Judge.

In the Court of Shri S. S. Kanwar, District Judge
Kangra, Division at Dharamsala

SUCCESSION CASE No. 28/78

(1) Jodh Singh s/o Rirku Ram, (2) Raj Kumar minor son, (3) Nihari Devi widow of Rirku, (4) Maya Devi daughter of Rirku Ram, caste Girth, residents of Lalwana, Mauza Khatiar, Tehsil Nurpur, District Kangra Petitioners.

Versus

General Public

Petition under section 372 of Indian Succession Act
for the grant of Succession Certificate.

To

The General Public.

Whereas the above named petitioner having applied the grant of Succession Certificate for the estate of Shri Rirku Ram s/o Labha Ram, Caste Ghirth, r/o Lalwana, Mauza Khatar (Nurpur), who died on 11-12-1974.

Notice is hereby issued to the General Public to file objection, if any, against the grant of Succession Certificate in favour of the petitioner on 2-12-1978 at 10 A.M. in this court at Dharamsala.

In case no objection is received in this court on or before the above dated fixed, further proceedings with regard to the grant of Succession Certificate in favour of the petitioner will be taken.

Given under my hand and the seal of the court this
10-11-1978.

Seal.

S. S. KANWAR,
District Judge.

न्यायालय श्री अग्रसेन्द्र लाल वैद्य, वरिष्ठ उप-न्यायाधीश, जिला बिलासपुर, हिमाचल प्रदेश

आज मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ तारीख 10-11-1978।

मुकद्दमा नं० 111/1 आदि 1970

मोहर।

शमशेर सिंह,
उप-न्यायाधीश।

दरखास्त नं० 167/6 आदि 1970

गुरदित्त राम बल्द अर्भीया राम, ब्राह्मण, सकना घम्भौरपुर, नहमील आनन्दपुर, जिला रोपड़ (पंजाब) मुद्दाई।

इस्तहार जेर आर्डर 5, रूल 20, जाब्ता दिवानी

न्यायालय उप-न्यायाधीश, प्रथम श्रेणी, चौपाल

बनाम

वाद संख्या 33-I/78

1. दुरगू मूतवफी बकायम मुकामो, मु० पारो बेवा दुरगू, 2. हरीराम, 3. बदरी पिसरात भगवाना, 4. दीनानाथ उर्फ दीना बल्द तुलसी, 5. लच्छमण बल्द परमानन्द, 6. जगन्नाथ बल्द रोंडा, ब्राह्मण भोजकी सकना श्री नैना देवी जी प० कोट कहलूर, 7. मेला राम (मतवफी) बल्द बसन्तराम, जात खत्री, सकना आनन्दपुर साहिब, तहमील आनन्दपुर, जिला रोपड़ मुदाल्हम।

ज्यालू राम आदि

बनाम

हिमाचल सरकार।

इस्तहार बनाम:—कुलैक्टर, शिमला, जिला शिमला, हिमाचल प्रदेश।

बनाम:

1. दाताराम, 2. केवल कृष्ण, 3. रामचोक, 4. नरयण प्रसाद, 5. श्रीम प्रकाश (पिसरात मेला राम मूतवफी), 6. राम दास बल्द संता राम (पंजा मेला राम मूतवफी) सकना आनन्दपुर साहिब, तहमील आनन्दपुर साहिब, जिला रोपड़ (पंजाब) कायम मुकाम मेला राम मूतवफी

इस वाद में न्यायालय को यह विश्वास हो गया है कि प्रतिवादी साधारण तरीके से इतलाह होनी मुश्किल है। अतः प्रतिवादी को इस अखबारी नोटिस द्वारा सूचित किया जाता है कि वह इस वाद में 4-12-1978 को 10 बजे अदालत में उपस्थित होवे, अन्यथा कार्रवाई एकतरफा अमल में लाई जावेगी।

आज मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ, तारीख 10-11-1978।

मोहर।

शमशेर सिंह,
उप-न्यायाधीश, प्रथम श्रेणी, चौपाल।

अदालती नोटिस

वाद उपरोक्त उनवान वाला में इस न्यायालय को पूर्ण विश्वास हो चुका है कि 1 ता 6 कायम मुकाम मुदाला (मेला राम) मूतवफी की तामील समन साधारण रीति से होनी कठिन है क्योंकि कई बार समन भजे गए परन्तु तामील न हो सकी।

अब व्यवहार प्रक्रिया मंहिता के आदेश 5, नियम 20 के अंतर्गत यह इस्तहार जारी किया जा रहा है कि उपरोक्त कायम मुकामान मेला राम मूतवफी मिते 11-12-1978 को प्रातः 10 बजे अदालतन, बहानतन या किसी मुख्यार द्वारा हाजिर इन न्यायालय मुकाम बिलासपुर आकर पैरवी मुकद्दमा करें नहीं तो कार्यवाही एक पक्षीय अमल में लाई जायेगी।

बग्रदालत श्री चन्द्र मोहन कौशल, तहसीलदार व अख्तियारत सहायक समाहर्ता, द्वितीय श्रेणी, वड़सर, जिला हमीरपुर, हिमाचल प्रदेश

निका राम

बनाम

श्रीमती बसन्ती वगैरा

बमन मेरे हस्ताक्षर तथा मोहर अदालत से आज बतारीख 9, माह 11, मन् 1978 को जारी किया गया।

मोहर।

ग० एल० वैद्य,
वरिष्ठ उप-न्यायाधीश।

इस्तहार जेर आर्डर 5, रूल 20, जाब्ता दिवानी

न्यायालय उप-न्यायाधीश, प्रथम श्रेणी, चौपाल

वाद संख्या 35-I/78

उनवान: दरखास्त दस्तखी गरदावरी खाता नं० 53 मिन, खतीनी नं० 126, 128 मिन खसरा किता 8, रकबा बकदर 2 कनाल 8 मरले स्थित टीका: मण्ड्यानी, तप्पा जसाई अनुसार जमाबन्दी 1971-72

नोटिस बनाम: श्रीमती बसन्ती बेवा महालन, टीका जरोला, तप्पा मोलासीमी, त० ऊना, 2. शुंका पुत्र जंगी, 3. मनशा राम, 4. देवराज पिषरात सुन्दर साकनान टीका मण्ड्यानी तप्पा जसाई, तहसील वड़सर।

मुकद्दमा उपरोक्त उनवान वाला में श्रीमती बसन्ती देवी, फरीक दोयम को कई बार समन जारी किए मगर उनकी इतलाह जाब्ता न हो रहा है। इससे यह प्रतीत होता है कि वह जानबूझ कर तामील करने से गुरेज करते हैं अतः अब उन्हें इस इस्तहार के वजूरिया सूचित किया जाता है कि वह बराये पैरवी दरखास्त अदालतन या बकालतन हमारे न्यायालय हजा में तिथि 6-12-1978 को सुबह 10 बजे हाजिर आवें वसूरत दीगर कार्रवाई जाब्ता अमल में लाई जावेगी।

आज तिथि 6-11-78 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

चन्द्र मोहन कौशल,
सहायक समाहर्ता।

इस वाद में न्यायालय को यह विश्वास हो गया है कि प्रतिवादी को साधारण तरीके से इतलाह होनी मुश्किल है। अतः प्रतिवादी को इस अखबारी नोटिस द्वारा सूचित किया जाता है कि वह इस वाद में 30-12-1978 को 10 बजे अदालत में उपस्थित होवे, अन्यथा कार्रवाई एकतरफा अमल में लाई जावेगी।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATIONS

Simla-2, the 22nd August, 1978

No. LLR.-E(9)25/78.—The following Acts recently passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part-II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978 (No. 21 of 1978).
2. The Coal Mines Nationalization Laws (Amendment) Act, 1978 (No. 22 of 1978).
3. The Electricity (Supply) Amendment Act, 1978 (No. 23 of 1978).
4. The Reserve Bank of India (Amendment) Act, 1978 (No. 24 of 1978).
5. The Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978 (No. 25 of 1978).

K. C. GUPTA,
Under Secretary (Law).

Assented to on 27-5-1978

THE DEPOSIT INSURANCE CORPORATION
(AMENDMENT AND MISCELLANEOUS
PROVISIONS) ACT, 1978

(ACT No. 21 OF 1978)

AN
ACT

to provide for the acquisition and transfer of the undertaking of the Credit Guarantee Corporation of India Limited in order to serve better the need for providing credit guarantee to commercial banks, and further to amend the Deposit Insurance Corporation Act, 1961, and the Reserve Bank of India Act, 1934, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act; and any reference in any provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Company" means the Credit Guarantee Corporation of India Limited, a Company formed and registered under the Companies Act, 1956 (1 of 1956), and having its registered office at Bombay;
- (b) "Corporation" means the Deposit Insurance Corporation established under sub-section (1) of section 3 of the Deposit Insurance Corporation Act, 1961 (47 of 1961);
- (c) "re-named Corporation" means the Corporation as re-named in accordance with the provisions of section 4;

(d) words and expressions used in this Act and not defined but defined in the Deposit Insurance Corporation Act, 1961 (47 of 1961), shall have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF UNDERTAKING OF THE
CREDIT GUARANTEE CORPORATION OF INDIA
LIMITED

3. *Undertaking of the Company to vest in the Corporation.*—(1) On the commencement of this Act, the undertaking of the Company shall stand transferred to, and shall vest in, the Corporation.

(2) The undertaking of the Company shall be deemed to include all assets, business, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were, immediately before the commencement of this Act, in the ownership, possession, power or control of the Company, whether within or outside India, and all book of account, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Company in relation to its undertaking.

4. *Merger of the undertaking of the Company with the undertaking of the Corporation.*—(1) On the transfer to, and vesting in, the Corporation of the undertaking of the Company, such undertaking shall be deemed to have merged with the undertaking of the Corporation and, consequent on such merger, the Corporation shall be re-named as the Deposit Insurance and Credit Guarantee Corporation, and thereupon any reference to the deposit Insurance Corporation or to the Credit Guarantee Corporation of India Limited, in the Deposit Insurance Corporation Act, 1961 (47 of 1961), or in any other law for the time being in force or in any instrument or other document in force immediately before such transfer and vesting, and to which either the Deposit Insurance Corporation or the Credit Guarantee Corporation of India Limited is a party or which is in favour of either of them, shall be construed as a reference to the Deposit Insurance and Credit Guarantee Corporation.

(2) The change of name of the Deposit Insurance Corporation, by virtue of the provisions of sub-section (1), shall not—

- (a) affect any right or obligation of that Corporation, subsisting immediately before the commencement of the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978;
- (b) render defective any suit or other legal proceeding pending, immediately before such commencement, by or against that Corporation in its former name; and
- (c) affect the institution or commencement of any suit or other legal proceeding which could have been instituted or commenced, before such commencement, by or against the Corporation in its former name, and every such suit or legal proceeding may be instituted or commenced, after the commencement of this Act, by or against the re-named Corporation.

4. *General effect of merger.*—(1) Unless otherwise expressly provided by this Act, all the assets, obligations and liabilities, respectively, of the Corporation, or the Company, and all contracts, deeds, bonds, agreements, guarantees, indemnities, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Act to which either the Corporation or the Company is a party or which are in favour of either the Corporation, or the Company shall be of as full force

and effect against or in favour of the re-named Corporation, and may be enforced or acted upon as fully and effectually as if in place of the Corporation or the Company, as the case may be, the re-named Corporation had been a party thereto or as if they had been issued in favour of the re-named Corporation.

(2) If, immediately before the commencement of this Act, any suit, appeal or other proceeding of whatever nature, in relation to any business of the undertaking of the Corporation or of the Company, instituted or preferred by or against the Corporation or the Company, is pending, the same shall not abate, be discontinued or be in any way prejudicially affected, by reason of the transfer of the undertaking of the Company to the Corporation or the merger of the undertaking of the Company with the undertaking of the Corporation, or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the re-named Corporation.

6. *Payment of amount.*—(1) For the transfer to, and vesting in, the Corporation, under section 3, of the undertaking of the Company, there shall be given by the Corporation to the Company an amount of rupees two crores.

(2) The amount specified in sub-section (1) shall be given, in cash, within thirty days from the commencement of this Act and such amount shall carry interest at the rate of four per cent per annum from such commencement till the date on which the amount is paid to the Company:

Provided that if the amount specified in sub-section (1) is paid within seven days from the commencement of this Act, no interest shall be payable.

7. *Power of Central Government to authorise a person or body of persons to take over the management of the Company.*—(1) The Central Government may, at any time after the commencement of this Act, authorise a person or body of persons to take over the management of the affairs of the Company and, when any person or body of persons is so authorised, it shall be the duty of such person or body of persons to bring the operations of the Company to a close, realise the amount payable to the Company under section 6, and distribute such amount amongst the creditors of the Company in due course of administration and, if there is a surplus, amongst the contributors of the Company in accordance with their rights and interests and, after such realisation and distribution, to obtain an order of the Central Government for the dissolution of the Company.

(2) For the purposes of sub-section (1), the person or body of persons authorised under that sub-section shall have such of the powers and duties of the Official Liquidator, appointed under the Companies Act, 1956 (1 of 1956), as are necessary to give effect to the provisions of that sub-section as if the Company were being wound up by the court, and, for this purpose, the provisions of the Companies Act, 1956 shall apply subject to the modification that for the word "Court", wherever it occurs, the words "Central Government" shall be substituted.

(3) When any person or body of persons is authorised by the Central Government under sub-section (1), to take over the management of the affairs of the Company,—

(a) the provisions of the Companies Act, 1956, (1 of 1956) or of any other law for the time being in force or any instrument having effect by virtue of any such Act or other law shall, in so far as they are inconsistent with the provisions of this Act, cease to apply to, or in relation to, the Company;

(b) all persons in charge of the management, including any person holding office as manager, director or secretary of the Company, immediately before the authorisation of such person or body of persons, shall be deemed to have vacated their offices as such.

(4) As soon as the affairs of the Company have been wholly wound up, the person or body of persons, authorised under sub-section (1), shall submit his or their duly audited final accounts to the Central Government and shall apply to that Government for orders as to the dissolution of the Company.

(5) The Central Government shall, after hearing such person as it may think fit, and upon perusing the accounts as audited, if satisfied that the affairs of the Company have been wholly wound up, make an order that the Company be dissolved from the date of the order and the Company shall stand dissolved accordingly.

(6) The Central Government may also make an order relating to—

(a) the application, subject to the provisions of the Companies Act, 1956 (1 of 1956), of the balance in the hands of the person or body of persons authorised under sub-section (1); or

(b) the payment of such balance into the general revenue account of the Central Government; and

(c) the disposal of the books and papers of the Company.

(7) A copy of the order made by the Central Government for the dissolution of the Company shall be filed by the re-named Corporation with the Registrar of Companies within thirty days from the date of such order and the Registrar of Companies shall give effect to the said order as if it were an order made by the court for the dissolution of the Company.

(8) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Companies Act, 1956 (1 of 1956), or in any other law for the time being in force.

CHAPTER III

AMENDMENTS TO THE DEPOSIT INSURANCE CORPORATION ACT, 1961

8. *Amendment of the Deposit Insurance Corporation Act, 1961.*—On the commencement of this Act, the Deposit Insurance Corporation Act, 1961 (47 of 1961), shall have effect subject to the following amendments, namely:—

(1) in the long title, after the words "insurance of deposits", the words "and guaranteeing of credit facilities" shall be inserted;

(2) in section 1, in sub-section (1), for the words "the Deposit Insurance Corporation", the words "the Deposit Insurance and Credit Guarantee Corporation" shall be substituted;

(3) in section 2,—

(i) in clause (e), for the words "the Deposit Insurance Corporation" the words "the Deposit Insurance and Credit Guarantee Corporation" shall be substituted;

(ii) after clause (ee), the following clause shall be inserted, namely:—

"(eea) "credit institution" means all or any of the following, namely:—

- (i) a banking company;
- (ii) a corresponding new bank;
- (iii) a Regional Rural Bank;
- (iv) a co-operative bank;
- (v) a financial institution;";

(iii) after clause (hh), the following clause shall be inserted, namely:—

"(hha) "financial institution" means any financial institution within the meaning of clause (c) of section 451 of the Reserve Bank of India Act, 1934 (2 of 1934);";

(4) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Any reference in this Act to the Deposit Insurance Corporation shall, on and from the date on which Chapter II of the Deposit Insurance Corporation (Amendment and

Miscellaneous Provisions) Act, 1978, comes into force, be construed as a reference to the Deposit Insurance and Credit Guarantee Corporation.”;

(5) in section 4,—

- (i) in sub-section (1), for the words “five crores”, the words “fifteen crores” shall be substituted;
- (ii) in sub-section (2), for the words “authorised capital”, the words “issued capital” shall be substituted;

(6) in section 6, in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) the Governor, for the time being, of the Reserve Bank or, if the Reserve Bank, in pursuance of the decision of the Committee of the Central Board of Directors of that Bank, nominates any Deputy Governor for the purpose, the Deputy Governor so nominated, who shall be the Chairman of the Board.”;

(ii) after clause (d), the following clause shall be inserted, namely:—

“(e) four directors, nominated by the Central Government in consultation with the Reserve Bank, having special knowledge or practical experience in respect of accountancy agriculture and rural economy, banking, co-operation, economics, finance, law or small scale industry or any other matter, the special knowledge of, and practical experience in which, is likely, in the opinion of the Central Government, to be useful to the Corporation.”;

(7) in section 15,—

(i) in sub-section (1), for the words “with the previous approval of the Central Government, be notified by the Corporation in the Official Gazette from time to time.”, the words “with the previous approval of the Reserve Bank, be notified by the Corporation, from time to time, to the insured banks and different rates may be notified for different categories of insured banks.” shall be substituted;

(ii) in sub-section (3), for the words “not exceeding eight per cent per annum as may be prescribed”, the words “not exceeding eight per cent over and above the bank rate as may be prescribed” shall be substituted;

(8) after section 15, the following new section shall be inserted, namely:—

“15A. *Cancellation of registration of an insured bank for non-payment of premium.*—(1) The Corporation may cancel the registration of an insured bank if it fails to pay the premium for three consecutive periods:

Provided that no such registration shall be cancelled except after giving to the concerned bank one month's notice in writing calling upon that bank to pay the amount in default.

(2) The Corporation may restore the registration of a bank whose registration has been cancelled under sub-section (1), if the concerned bank requests the Corporation to restore the registration and pays all the amounts due by way of premia from the date of default till the date of payment together with interest due thereon on the date of payment:

Provided that the Corporation shall not restore the registration unless it is satisfied, on an inspection of the concerned bank or otherwise, that it is eligible to be registered as an insured bank.”;

(9) after Chapter III, the following Chapter shall be inserted, namely:—

‘CHAPTER III-A

CREDIT GUARANTEE FUNCTIONS

21A. *Guaranteeing of credit facilities and indemnifying credit institutions.*—(1) The Corporation may guarantee credit facilities given by any credit institution and may also indemnify credit institutions in respect of credit facilities granted by them.

(2) The Board may, for the purpose of guaranteeing credit facilities granted by credit institutions or indemnifying credit institutions, frame one or more schemes in such form and in such manner and containing such provisions as the Board may, from time to time, deem fit.

(3) The Board may levy, on every credit institution availing itself of the guarantees or indemnities provided by the Corporation, a fee at such rate or rates as may, with the previous approval of the Reserve Bank, be notified by the Corporation to the credit institutions from time to time and different rates may be notified for different categories of credit institutions, for different types of credit facilities, for different areas where the credit facilities are utilised, or for different categories of beneficiaries of the credit facilities.

Explanation.—“Credit facility” means any financial assistance, including a loan or advance, cash credit, overdraft, bills purchased or discounted, a term of instalment credit and any guarantee other than a performance guarantee, granted or issued in India by a credit institution at any of its offices in India.

21B. *Corporation to act as agent of Central Government.*—The Corporation may act as agent for the Central Government,—

(i) in guaranteeing the due performance by any small-scale industrial concern or other institution or undertaking or categories of institutions or undertakings approved by the Central Government in this behalf, of its, or their, obligations to any credit institution in respect of loans and advances made or other credit facilities provided to it, or them, by such credit institution, and

(ii) in making, as such agent, of payments in connection with such guarantee.”;

(10) for section 22, the following section shall be substituted, namely:—

“22. *Funds of Corporation.*—The Corporation shall maintain three funds to be called, respectively, the Deposit Insurance fund, the Credit Guarantee Fund and the General Fund.”;

(11) in section 23,—

(i) in sub-section (1), in clause (d), after the words “General Fund”, the words “or the Credit Guarantee Fund” shall be inserted;

(ii) in sub-section (2),—

(a) in clause (b), the word “and”, occurring at the end, shall be omitted;

(b) in clause (c), the word “; and” shall be added at the end;

(c) after clause (c), the following clause shall be inserted, namely:—

“(d) to meet the whole or any part of the liability on account of the depreciation in assets, contributions to staff superannuation and other funds or other expenses incurred or to be incurred by the Corporation, as may be decided by the Board.”;

- (21) after section 23, the following new section shall be inserted, namely:—

“23A. *Credit Guarantee Fund*.—(1) To the Credit Guarantee Fund shall be credited,—

- (a) all amounts in the Reserve for unexpired Guarantee Risks maintained by the Credit Guarantee Corporation of India Limited, a company formed and registered under the Companies Act, 1956 (1 of 1956), and having its registered office at Bombay;
- (b) all amounts received by the Corporation as fees for guarantees and indemnities taken over or given by it;
- (c) all amounts received by the Corporation in respect of guarantees and indemnities taken over or given by it;
- (d) all amounts transferred to that Fund from the Deposit Insurance Fund or the General Fund under section 27; and
- (e) all income arising from the investments made out of that Fund.

- (2) The said Fund shall be applied—

- (a) to make payments in respect of guarantees and indemnities taken over or issued by the Corporation;
- (b) to meet any liability in respect of the amount referred to in clause (d) of sub-section (1); and
- (c) to meet the whole or any part of the liability on account of depreciation in assets, contributions to staff annuities and other funds, or other expenses incurred or to be incurred by the Corporation, as may be decided by the Board.”;

- (13) in section 24,—

- (i) after the words and figures “of section 23”, the words, brackets, figures and letter “or in sub-section (1) of section 23A” shall be inserted; and
- (ii) for the words “of that section”, the words, figures, brackets and letter “or section 23, or, as the case may be sub-section (2) of section 23A” shall be substituted;

- (14) in section 25, after the words “Deposit Insurance Fund”, the words “or the Credit Guarantee Fund” shall be inserted;

- (15) after section 25, the following new section shall be inserted, namely:—

“25A. *Amounts in one Fund may be transferred to the other Fund or may be utilised for other purposes*.—Notwithstanding anything contained in this Act, the Board may—

- (a) transfer any amount from the Deposit Insurance Fund to the Credit Guarantee Fund or from the Credit Guarantee Fund to the Deposit Insurance Fund; or
- (b) utilise any money standing to the credit of either of the said Funds, for such purposes as it may think fit, if it is satisfied that the balance in the Fund, after such transfer or utilization, will be adequate to meet any probable claim on that Fund.”;

- (16) in section 26, in sub-section (1), after the words “Deposit Insurance Fund”, the words “or the Credit Guarantee Fund” shall be inserted;

- (17) for section 27, the following section shall be substituted, namely:—

“27. *Advances from General Fund to the Deposit Insurance Fund or Credit Guarantee Fund*.—If, at any time, the amount available in the Deposit Insurance Fund or the Credit Guarantee Fund is insufficient to meet the require-

ments of that Fund, the Corporation may transfer, on such terms and for such period as may be determined by the Board with the approval of the Reserve Bank, from any of the other two Funds, referred to in section 22, such amount as may be necessary to meet the requirements of the Deposit Insurance Fund or the Credit Guarantee Fund, as the case may be.”;

- (18) section 30 shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), the Corporation shall not be liable to pay any tax under that Act on any of its income, profits or gains for the period commencing from the first day of January, 1977, and ending with the commencement of the accounting year during which Chapter II of the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978, comes in force and for four accounting years following that year.”;

- (19) in section 34, in sub-section (1),—

- (i) after the words “an insured bank”, the words “or a credit institution” shall be inserted; and
- (ii) after the words “deposits in that bank”, the words “or the credit facilities granted by that credit institution, as the case may be”, shall be inserted;

- (20) in section 35,—

- (i) in sub-section (1), after the words “insured bank”, the words “or a credit institution” shall be inserted; and
- (ii) in sub-section (2),—
 - (a) after the words “insured bank”, the words “or credit institution” shall be inserted; and
 - (b) after the words “the bank”, the words “or the credit institution” shall be inserted;

- (21) in section 36,—

- (i) in sub-section (1), after the words “insured bank”, the words “or a credit institution” shall be inserted;
- (ii) in sub-section (3), for the words “neither the bank inspected or investigated nor any other bank”, the words “neither the bank nor the credit institution, as the case may be, inspected or investigated, nor any other bank or credit institution” shall be substituted;

- (22) in section 38, after the words “insured banks”, the words “or a credit institution” shall be inserted;

- (23) section 39 shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Corporation shall observe, except as otherwise required by law, the practices and usages customary among the bankers, and, in particular, it shall not divulge any information relating to an insured bank or its customers or a credit institution or its customers except in circumstances in which it is, in accordance with law or practices or usages customary among bankers, necessary or appropriate for the Corporation to divulge such information.”;

(24) for section 49, the following section shall be substituted, namely:—

“49. *Cognizance and trial of offences.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) no court shall take cognizance of any offence punishable under this Act except upon a complaint, in writing, made by an officer of the Corporation, generally or specially authorised in writing in this behalf by the Board, and no court, inferior to the Court of a Metropolitan Magistrate or a Judicial Magistrate of the first class, shall try any such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a Magistrate may, if he sees reason so to do, dispense with the personal attendance of the officer of the Corporation filing the complaint, but the Magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the complainant.”;

(25) in the First Schedule, for the words “Deposit Insurance Corporation”, wherever they occur, the words “Deposit Insurance and Credit Guarantee Corporation” shall be substituted.

CHAPTER IV

AMENDMENT TO THE RESERVE BANK OF INDIA ACT, 1934

9. *Amendment of Act 2 of 1934.*—In the Reserve Bank of India Act, 1934, in section 17, in clause (11A), sub-clause (a) shall be omitted.

Assented to on 27-5-1978

THE COAL MINES NATIONALISATION LAWS (AMENDMENT) ACT, 1978

(ACT No. 22 OF 1978)

AN
ACT

further to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1978.

2. *Amendment of section 3 of Act 36 of 1972.*—In section 3 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act.—

(i) in clause (b), in sub-clause (vi), for the *explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely:—
‘*Explanation.*—The expression “current assets” does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, safety and Development) Act, 1952, (19 of 1952); prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coke oven plant;

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;”;

(ii) in clause (f), in sub-clause (xi), for the *Explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely:—

‘*Explanation.*—The expression “current assets” does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (19 of 1952), prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coking coal mines;

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;”.

3. *Amendment of section 20.*—In section 20 of the Coking Coal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons to also exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(2A) Any person authorised by the Commissioner to exercise any powers may exercise these powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.”.

4. *Insertion of new section 22A.*—After section 22 of the Coking Coal Act, the following section shall be inserted, namely:—

“22A. *Validation of certain collections.*—(1) Notwithstanding anything contained in section 3, as amended by section 2 of the Coal Mines Nationalisation Laws (Amendment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with the date specified under sub-section (3) of section 22 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall be applied in accordance with the provisions of section 22.

(2) Any money collected as aforesaid shall not be called in question in any court of law.”.

5. *Amendment of section 23.*—In section 23 of the Coking Coal Act,—

(a) in sub-section (1A),—

(i) after the words and figures “the Coal Mine Provident Fund, Family Pension and Bonus

Schemes Act, 1948 (46 of 1948);", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons, by any Trade Union registered under the Trade Unions Act, 1926 (16 of 1926), or, where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him:"

(ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972 namely:—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him,"

(b) after sub-section (1A), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1973, namely:—

"(1AA) Where any claim, not being a claim which was time-barred on the 17th day of October, 1971, was preferred under sub-section (1) within the period specified therefor and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in this section."

(c) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9A) The Commissioner may, on receipt of a claim,—

(a) elect to settle the claim himself; or

(b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 20; or

(c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 20."

(d) in sub-section (10),—

(i) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision," the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer any appeal, within a period of sixty days from the date of the decision," shall be substituted;

(ii) after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date."

6. *Insertion of new section 23A.*—After section 23 of the Coking Coal Act, the following section shall be inserted, namely:—

"23A. *Application of sections 5 and 12 of the Limitation Act.*—The provisions of sections 5 and 12 of the Limitation Act, 1963 (36 of 1963), shall, so far as may be, apply to appeals under section 23."

7. *Insertion of new section 24A.*—After section 24 of the Coking Coal Act, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

"24A. *Interest on admitted claims.*—Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coking coal mine or coke oven plant, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 21."

8. *Insertion of new section 25A.*—After section 25 of the Coking Coal Act, the following section shall be inserted, namely:—

"25A. *Notice to owners of coking coal mines or coke oven, plants and managing contractors, etc.*—(1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coking coal mines or coke oven plants, the managing contractors and the owners of any machinery, equipment or other property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coking coal mines or coke oven plants may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (1) of section 26."

9. *Amendment of section 27.*—In section 27 of the Coking Coal Act, for the words "which remains undisbursed or unclaimed after such payment for a period of three years", the words "which remains undisbursed or unclaimed for a period of three years from the day on which the last order for disbursement was made" shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of March, 1976.

10. *Amendment of section 2 of Act 26 of 1973.*—In section 2 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act), in clause (h), for sub-clause (xii), the following sub-clause shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1973, namely:—

"(xii) all other fixed assets, movable and immovable, belonging to the owner of a mine, wherever situated, and current assets, belonging to a mine, whether within its premises or outside.

Explanation.—The expression "current assets" does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (19 of 1952), prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors loans and advances to other parties and investments, not being investments in the coal mine;

- (d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;
- (e) earnest money deposited by the owners with the Railways for obtaining contracts;".

11. Amendment of section 18.—In section 18 of the Coal Mines Act, in sub-section (2), for the words "any period, after the appointed day," the words "the period" shall be substituted.

12. Insertion of new section 19A.—After section 19 of the Coal Mines Act, the following section shall be inserted, namely:—

"19A. *Validation of certain collections.*—(1) Notwithstanding anything contained in section 2, as amended by section 10 of the Coal Mines Nationalisation Laws (Amendment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with the date specified under sub-section (3) of section 19 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall be applied in accordance with the provisions of section 19.

- (2) Any money collected as aforesaid shall not be called in question in any court of law."

13. Amendment of section 20.—In section 20 of the Coal Mines Act,—

- (a) in sub-section (2),—

- (i) after the words and figures "the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (46 of 1948);", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons, by any Trade Union, registered under the Trade Unions Act, 1926 (16 of 1926), or, where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;";

- (ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him;";

- (b) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1975, namely:—

"(3) Where any claim, not being a claim which was time-barred on the 31st day of January, 1973, was preferred under sub-section (1) within the period specified therefor and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in section 23."

14. Amendment of section 23.—In section 23 of the Coal Mines Act,—

- (a) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) The Commissioner may, on receipt of a claim,—

- (a) elect to settle the claim himself; or
- (b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 17; or
- (c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 17;";

- (b) in sub-section (7),—

- (i) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision", the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal, within a period of sixty days from the date of the decision," shall be substituted;

- (ii) after the proviso, the following further proviso shall be inserted, namely:—

"provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date."

15. Insertion of new section 23A.—After section 23 of the Coal Mines Act, the following section shall be inserted, namely:—

"23A. *Application of sections 5 and 12 of the Limitation Act.*—The provisions of sections 5 and 12 of the Limitation Act, 1963 (36 of 1963), shall, so far as may be, apply to appeals under section 23."

16. Insertion of new section 24A.—After section 24 of the Coal Mines Act, the following section shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

"24A. *Interest on admitted claims.*—Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coal mine, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 18."

17. Insertion of new section 25A.—After section 25 of the Coal Mines Act, the following section shall be inserted, namely:—

"25A. *Notice to owners of coal mines and managing contractors, etc.*—(1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coal mines, the managing contractors and the owners of any machinery, equipment or other property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coal mines may apply to him for payment.

- (2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with

the application in the manner specified in sub-section (2) of section 26."

18. *Amendment of section 27.*—In section 27 of the Coal Mines Act, for the words "three years from the last day on which the disbursement was made", the words "three years from the day on which the last order for disbursement was made" shall be substituted.

19. *Amendment of section 30.*—In section 30 of the Coal Mines Act, in sub-section (2), for the words "with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees", the words "with imprisonment for a term which may extend to three years and also with fine which may extend to twenty thousand rupees" shall be substituted.

20. *Claims made on behalf of workmen by Trade Union, etc., to have effect.*—Every claim made, before the date on which this Act receives the assent of the President, on behalf of all or any of the persons employed by the owner of—

- (a) a coking coal mine or group of coking coal mines or a coke oven plant; or
- (b) a coal mine or group of coal mines,

or on behalf of a group of such persons, by a Trade Union registered under the Trade Union Act, 1926 (16 of 1926), or the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him, against such owner, and every action taken in relation to such claim shall be deemed to have been made or taken in the case of a coking coal mine or a coke oven plant, in accordance with the provisions of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972), and in the case of a coal mine, in accordance with the provisions of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973), as amended by this Act, as if the relevant Act, as amended by this Act, were in force at all material times.

Assented to on 3-6-1978.

THE ELECTRICITY (SUPPLY) AMENDMENT ACT, 1978

(ACT No. 23 OF 1978)

AN
ACT

further to amend the Electricity (Supply) Act, 1948.

BE it enacted by Parliament in the Twenty-ninth Year of the republic of India as follows:—

1. *Short title.*—This Act may be called the Electricity (Supply) Amendment Act, 1978.

2. *Amendment of section 1.*—In section 1 of the Electricity (Supply) Act, 1948 (54 of 1948) (hereinafter referred to as the principal Act),—

- (a) in sub-section (3), for the words "Sixth and Seventh Schedules", the words "Sixth Schedule" shall be substituted;
- (b) after sub-section (4), the following sub-section shall be inserted, namely:—
"(5) Notwithstanding anything contained in sub-section (4),—

(a) where any provision of this Act, to which sub-section (4) applies, is in force in any State immediately before the commencement of the Electricity (Supply) Amendment Act, 1978, that provision as amended by the Electricity (Supply) Amendment Act, 1978, shall, on and from such commencement, be in force in that State;

(b) the provisions of this Act, to which sub-section (4) applies, which are not in force in any State on the commencement of the Electricity (Supply) Amend-

ment Act, 1978, shall come into force in that State on such date as the State Government may, with the concurrence of the Central Government, by notification in the Official Gazette, appoint."

3. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (6), in the opening paragraph, for the word "servants", the word "employees" shall be substituted.

4. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. *Board may have capital structure.*—(1) The State Government may, if it considers expedient so to do, by notification in the Official Gazette, direct that the Board shall, with effect from such date as may be specified in the notification, be a body corporate with such capital, not exceeding ten crores of rupees, as the State Government may specify from time to time.

(2) The State Government may, from time to time, with the approval of the State Legislature, increase the maximum limit of the capital referred to in sub-section (1) to such extent as that Government may deem fit, so, however, that the increased maximum limit of capital aforesaid shall not exceed the amount representing the aggregate of the outstanding loans of the Board.

(3) Such capital may be provided by the State Government, from time to time, after due appropriation made by the State Legislature by law for the purpose and subject to such terms and conditions as may be determined by that Government."

5. *Amendment of section 15.*—In section 15 of the principal Act, in the opening paragraph, for the word "servants" the word "employees" shall be substituted.

6. *Amendment of section 57.*—In section 57 of the principal Act,—

- (a) the words "and the Seventh Schedule" shall be omitted;
- (b) for the words "the said Schedules", in both the places where they occur, the words "the said Schedule" shall be substituted.

7. *Amendment of section 57A.*—In section 57A of the principal Act, in sub-section (1), the words "and the Seventh Schedule" shall be omitted.

8. *Substitution of new section for section 59.*—For section 59 of the principal Act, the following section shall be substituted, namely:—

"59. *General principles for Board's finance.*—(1) The Board shall, after taking credit for any subvention from the State Government under section 63, carry on its operations under this Act, and adjust its tariffs so as to ensure that the total revenues in any year of account shall after meeting all expenses properly chargeable to revenues, including operating, maintenance and management expenses, taxes, (if any) on income and profits, depreciation and interest payable on all debentures, bonds and loans, leave such surpluses, as the State Government may from time to time specify.

(2) In specifying the surplus under sub-section (1), the State Government shall have due regard to the availability of amounts accrued by way of depreciation and the liability for loans amortization and leave—

- (a) a reasonable sum to contribute towards the cost of capital works; and
- (b) where in respect of the Board, a notification has been issued under sub-section (1) of section 12A, a reasonable sum by way of return on the capital provided by the State

Government under sub-section (3) of that section and the amount of the loans (if any) converted by the State Government into capital under sub-section (1) of section 66A.”

9. *Amendment of section 60.*—In section 60 of the principal Act, in sub-section (2),—

- (a) for the words “two months”, the words “one year” shall be substituted;
- (b) the words, brackets and figures, “before the issue of the notification under sub-section (4) of section 1” shall be omitted.

10. *Amendment of section 61.*—In section 61 of the principal Act, in sub-section (2), for the words “members, officers and servants”, the words “members and officers and other employees” shall be substituted.

11. *Amendment of section 62.*—In section 62 of the principal Act, in sub-section (2), after the words “extreme urgency”, the words “, it shall be expended in accordance with the regulations made by the Board with the previous approval of the State Government and” shall be inserted.

12. *Amendment of section 65.*—In section 65 of the principal Act,—

- (a) in sub-section (2) for the words “issue of bonds or stock”, the words “issue of debentures or bonds” shall be substituted;
- (b) in sub-section (4), for the words “Stock issued”, the words “Debentures or bonds issued” shall be substituted.

13. *Insertion of new section 66A.*—After section 66 of the principal Act, the following section shall be inserted, namely:—

“66A. *Conversion of amount of loans into capital.*—

- (1) Notwithstanding anything contained in section 12 A, where any loan has been obtained from the State Government by a Board, in respect of which Board a notification has been made under sub-section (1) of that section, or any loan is deemed to be advanced to such Board by the State Government under sub-section (2) of section 60, the State Government may, if in its opinion it is necessary in the public interest so to do, by order, direct that that amount of such loan or any part thereof shall be converted into capital provided to the Board on such terms and conditions as appear to that Government to be reasonable in the circumstances of the case, even if the terms of such loan do not include a term providing for an option for such conversion.
- (2) In determining the terms and conditions of such conversion, the State Government shall have due regard to the following circumstances, that is to say, the financial position of the Board, the terms of the loan, the rate of interest payable on the loan, the capital of the Board, its loan liabilities and its reserves.
- (3) Notwithstanding anything contained in this Act, where the State Government has, by an order made under sub-section (1), directed that any loan or any part thereof shall be converted into capital, and such order has the effect of increasing the capital of the Board, the capital of the Board shall stand increased by the amount by which the conversion increases the capital of the Board in excess of the capital specified under sub-section (1) of section 12A:

Provided that the amount of the loan so converted together with the capital provided under sub-section (3) of section 12A shall not exceed the amount representing the aggregate of the outstanding loans of the Board after such conversion.”

14. *Substitution of new section for section 67.*—For section 67 of the principal Act, the following section shall be substituted, namely:—

“67. *Priority of liabilities of Board.*—(1) If in any year, the revenue receipts are not adequate to enable compliance with the requirements of section 59, the Board shall, after meeting its operating, maintenance and management expenses and after provision has been made for the payment of taxes (if any) on income and profits, distribute the revenue receipts, as far as they are available, in the following order, namely:—

- (i) payment of interest on loans not guaranteed under section 66;
- (ii) repayment of principal of any loan raised (including redemption of debentures or bonds issued) under section 65 which becomes due for payment in the year;
- (iii) payment of interest on loans guaranteed under section 66;
- (iv) payment of interest on sums paid by the State Government in pursuance of guarantees under section 66;
- (v) payment of interest on loans advanced to the Board by the State Government under section 64 of deemed to be advanced under sub-section (2) of section 60;
- (vi) repayment of principal of any loan guaranteed by the State Government under section 66 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;
- (vii) repayment of principal of any loan advanced to the Board under section 64 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

and if any balance amount is left thereafter, the same shall be utilised for the other purposes specified in section 59 in such manner as the Board may decide.

- (2) If for any reason beyond to control of the Board, the revenue receipts in any year are not adequate to meet its operating, maintenance and management expenses, taxes (if any) on incomes and profits and the liabilities referred to in clauses (i) and (ii) of sub-section (1), the short fall shall, with the previous sanction of the State Government, be paid out of its capital receipts.”

15. *Substitution of new section for section 68.*—For section 68 of the principal Act, the following section shall be substituted, namely:—

“68. *Charging of depreciation by Board.*—(1) Subject to the provisions of section 67, the Board shall provide each year for depreciation such sum calculated in accordance with such principles as the Central Government may, after consultation with the Authority, by notification in the Official Gazette, lay down from time to time.

- (2) Where in any particular year depreciation on cannot be adjusted against revenues, the same may be carried over to subsequent years.
- (3) The provisions of this section shall apply to the charging of depreciation for the year in which the Electricity (Supply) Amendment Act, 1978, comes into force.”

16. *Amendment of section 69.*—In section 69 of the principal Act in sub-section (4), for the words “forwarded annually to the State Government”, the words “forwarded to the Authority and to the State Government within six months of the close of the year to which the accounts and audit report relate” shall be substituted.

17. *Amendment of section 74.*—In section 74 of the principal Act, for the words “officer or servant”, the words “officer or other employee” shall be substituted.

18. *Amendment of section 75A.*—In section 75A of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) (a) The Generating Company shall carry on its operations under this Act and adjust its tariffs so as to ensure that the total revenues in any year of account shall, after meeting all the expenses properly chargeable to revenues including operating, maintenance and management expenses, taxes (if any) on income and profits, depreciation and interest payable in all debentures, bonds and loans, leave such surplus as the promoting government or promoting governments, as the case may be, from time to time, specify.

(b) In specifying the surplus under clause (a), the promoting government or promoting governments, as the case may be, shall have due regard to the availability of amounts accrued by way of depreciation and the liability for loan amortization and leave a reasonable amount to contribute towards the cost of capital works and for payment of dividend on shares.”

19. *Amendment of section 79.*—In section 79 of the principal Act,—

(a) in clause (c), for the words “officers and servants”, the words “officers and other employees” shall be substituted;

(b) after clause (j), the following clause shall be inserted, namely:—

“(jj) expending sum not included in statement submitted under sub-section (1) or sub-section (5) of section 61, under sub-section (2) of section 62.”;

(c) in the proviso, for the word, brackets and letter “and (d)”, the brackets, letters and words “(d) and (jj)” shall be substituted.

20. *Amendment of section 81.*—In section 81 of the principal Act, for the words “members officers and servants”, the words “members and officers and other employees” shall be substituted.

21. *Amendment of section 82.*—In section 82 of the Principal Act, for the words “member, officer or servant”, the words “member or officer or other employee” shall be substituted.

22. *Amendment of Fourth Schedule.*—In the Fourth Schedule to the principal Act,—

(a) in paragraph I, clause (c) shall be omitted;

(b) in paragraph II, for the words and figure “on the scale set out in paragraph III”, the words and figure “calculated in accordance with the provisions of paragraph VI of the Sixth Schedule”, shall be substituted;

(c) paragraph III shall be omitted;

23. *Amendment of Sixth Schedule.*—In the Sixth Schedule to the principal Act,—

(1) in paragraph VA,—

(a) in sub-paragraph (1),—

(i) for the words “amount of development rebate”, the words “amount of investment allowance” shall be substituted;

(ii) for the words, brackets, figures and letter “under clause (vib) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (11 of 1922)”, the words, figures and letter “under section 32A of the Income-tax Act, 1961 (43 of 1961)” shall be substituted;

(b) in the proviso to sub-paragraph (4), after the words “amount of the Reserve”, the brackets and words “(whether such amount is in the form of cash or other assets)” shall be inserted;

(2) for paragraphs VI, VII, VIII, IX, X and XI, the following paragraph shall be substituted, namely:—

“VI. (a) The licensee shall provide each year for depreciation such sum calculated in accordance with such principles as the Central Government may, after consultation with the Authority, by notification in the Official Gazette, lay down from time to time.

(b) Where in any particular year depreciation cannot be adjusted against revenues, the same may be carried over to subsequent years.

(c) The provisions of this paragraph shall apply to the charging of depreciation for the year in which the Electricity (Supply) Amendment Act, 1978, comes into force.”;

(3) in paragraph XVII, clause (8) shall be omitted.

24. *Omission of seventh Schedule.*—The Seventh Schedule to the principal Act shall be omitted.

25. *Amendment of Eighth Schedule and Ninth Schedule.*—In clause (a) of paragraph I of the Eighth Schedule and clause (f) of paragraph I of the Ninth Schedule to the principal Act, for the words “officers and servants”, the words “officers and other employees” shall be substituted.

Assented to on 3-6-1978,

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1978

(ACT No. 24 OF 1978)

AN
ACT

Further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Change of nomenclature of Agricultural Refinance Corporation.*—In the Reserve Bank of India Act, 1934 (2 of 1934), (hereinafter referred to as the principal Act), for the words “Agricultural Refinance Corporation”, wherever they occur, the words “Agricultural Refinance and Development Corporation” shall be substituted.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) for clause (c), the following clauses shall be substituted, namely:—

“(bix) “foreign currency” and “foreign exchange” have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1973 (46 of 1973);

(c) “Industrial Finance Corporation” means the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (15 of 1948);”;

(ii) after clause (f), the following clause shall be inserted, namely:—

“(fi) “State Financial Corporation” means any State Financial Corporation established under the State Financial Corporations Act, 1951 (63 of 1951);”;

4. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in clause (3), in sub-clause (a), the words “in amounts of not less than the equivalent of one

- lakh of rupees" shall be omitted;
- (ii) in clauses (4) and (4A), the words and figures "established under the State Financial Corporations Act, 1951" shall be omitted;
- (iii) in clause (4B), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted;

(iv) after clause (4H), the following clause shall be inserted, namely:—

"(4-I) the making to scheduled banks, the Development Bank, the Industrial Finance Corporation and any other financial institution as may, on the recommendation of the Bank, be approved in this behalf by the Central Government of loans and advances repayable on demand or otherwise and against such security and on such other terms and conditions as may be approved in this behalf by the Central Board for the purpose of enabling such banks or financial institution, as the case may be, to purchase foreign exchange from the Bank for the purpose of financing the import of capital goods or for such other purposes as may be approved by the Central Government;"

(v) in clause (11), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted;

(vi) for clause (12), the following clause shall be substituted, namely:—

"(12) the purchase and sale of gold or silver coins and gold and silver bullion and foreign exchange and the opening of a gold account with the principal currency authority of any foreign country or the Bank for International Settlements or any international or regional bank or financial institution formed by such principal currency authority or authorities or by the Government of any foreign country;"

(vii) for clause (12A), the following clause shall be substituted, namely:—

"(12A) the purchase and sale of securities issued by the Government of any country outside India or by any institution or body corporate established outside India and expressed to be payable in a foreign currency or any international or composite currency unit, being in the case of purchase by the Bank securities maturing within a period of ten years from the date of purchase:

Provided that in the case of securities of an institution or body corporate, the repayment of principal and payment of interest in respect of such securities shall be guaranteed by the Government of the country concerned;"

(viii) after clause (12A) as so amended, the following clause shall be inserted, namely:—

"(12B) the making of loans and advances in foreign currencies to scheduled banks, the Development Bank, the Industrial Finance Corporation, any State Financial Corporation and any other financial institution as may, on the recommendation of the Bank, be approved by the Central Government and on such terms and conditions as may be specified by the Central Board in this behalf, against promissory notes of such bank or financial institution, as the case may be:

Provided that the borrowing bank or financial institution, as the case may be, furnishes a declaration in writing to the effect that—

- (a) it has made loans and advances in foreign currencies for financing international trade or for the import of capital goods or for such other purposes

as may be approved by the Central Government; and

- (b) that the amount of loans or advances so made and outstanding at any time will not be less than the outstanding amount of the loans or advances obtained by it from the Bank;"

(ix) for clause (13), the following clause shall be substituted, namely:—

"(13) the opening of an account with an office outside India of any bank, including a bank incorporated in India or the making of an agency agreement with, and the acting as an agent or correspondent of, any bank incorporated outside India, or the principal currency authority of any country under the law for the time being in force in that country or any international or regional bank or financial institution formed by such principal currency authorities or foreign governments, and the investing of the funds of the Bank in the shares and securities of any such international or regional bank or financial institution or of any other foreign institution as may be approved by the Central Board in this behalf;"

5. *Amendment of section 18.*—In section 18 of the principal Act, clause (2) shall be omitted.

6. *Amendment of section 33.*—In section 33 of the principal Act, in sub-section (6), in clause (i),—

(1) in sub-clause (a),—

(a) after the words "International Finance Corporation", the words "or Asian Development Bank" shall be inserted;

(b) for the words "and commercial bank notified by the Central Government", the words "any banking or financial institution notified by the Central Government" shall be substituted;

(c) for the words "period of five years", the words "period of ten years" shall be substituted;

(2) in sub-clause (c), for the words "within five years", the words "within ten years" shall be substituted.

7. *Amendment of section 46C.*—In section 46C of the principal Act, in sub-section (2), in clause (a), the words and figures "established under the Industrial Finance Corporation Act, 1948" and "established under the State Financial Corporations Act, 1951" shall be omitted.

8. *Amendment of section 48.*—In section 48 of the principal Act, in sub-section (1), for the words and figures "Indian Income-tax Act, 1922", the words and figures "the Income-tax Act, 1961" shall be substituted.

9. *Amendment of section 53.*—In section 53 of the principal Act, in sub-section (1), for the words "published weekly in the Gazette of India", the words "published in the Gazette of India at such intervals and in such modified form as it may deem fit" shall be substituted.

Assented to on 6-6-1978.

THE CUSTOMS CENTRAL EXCISES AND SALT AND CENTRAL BOARDS OF REVENUE (AMENDMENT) ACT, 1978

(ACT NO. 25 OF 1978)

AN
ACT

to provide for certain amendments to the Customs Act, 1962, the Central Excises and Salt Act, 1944 and the Central Boards of Revenue Act, 1963.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as reference to the coming into force of that provision.

CHAPTER II AMENDMENTS TO THE CUSTOMS ACT, 1962

2. *Amendment of section 2.*—In section 2 of the Customs Act, 1962 (52 of 1962) (hereafter in this Chapter referred to as the Customs Act), in clause (28), for the words “waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India”, the words and figures “waters extending into the sea upto the limit of contiguous zone of India under section 5 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976)” shall be substituted.

3. *Amendment of section 14.*—In section 14 of the Customs Act,—

(a) in sub-section (1), in clause (a), for the proviso, the following proviso shall be substituted, namely:—

“Provided that such price shall be calculated with reference to the rate of exchange as in force on the date on which a bill of entry is presented under section 46, or a shipping bill or bill of export, as the case may be, is presented under section 50;”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) For the purposes of this section—

(a) “rate of exchange” means the rate of exchange—

(i) determined by the Central Government, or

(ii) ascertained in such manner as the Central Government may, direct, for the conversion of Indian currency into foreign currency or foreign currency into Indian currency;

(b) “foreign currency” and “Indian currency” have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1973 (46 of 1973).”

4. *Amendment of section 15.*—In section 15 of the Customs Act—

(a) in sub-section (1), the words “rate of exchange” shall be omitted;

(b) sub-section (3) shall be omitted.

5. *Amendment of section 27.*—In section 27 of the Customs Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person claiming refund of any duty paid by him in pursuance of an order of assessment made by an officer of customs lower in rank than an Assistant Collector of Customs may make an application for refund of such duty to the Assistant Collector of Customs—

(a) in the case of any import made by any individual for his personal use or by Government or

by any educational research or charitable institution or hospital before the expiry of one year;

(b) in any other case, before the expiry of, six months, from the date of payment of duty:

Provided that the limitation of one year or six months, as the case may be, shall not apply where any duty has been paid under protest.

Explanation.—Where any duty is paid provisionally under section 18, the period of one year or six months, as the case may be, shall be computed from the date of adjustment of duty after the final assessment thereof.”

6. *Amendment of section 28.*—In section 28 of the Customs Act, in sub-section (1),—

(a) for the opening paragraph, the following shall be substituted, namely:—

“When any duty has not been levied or has been short levied or erroneously refunded, the proper officer may,—

(a) in the case of any import made by any individual for his personal use or by Government or by any educational, research or charitable institution or hospital, within one year;

(b) in any other case within six months, from the relevant date, serve notice on the person chargeable with the duty which has not been levied or which has been so short-levied or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.”;

(b) in the proviso, for the words “six months”, the words “one year” and “six months” shall be substituted.

7. *Insertion of new section 28A.*—After section 28 of the Customs Act, the following section shall be inserted, namely:—

“28A. *Power not to recover duties not levied or short-levied as a result of general practice.*—Notwithstanding anything contained in this Act, if the Central Government is satisfied—

(a) that a practice was, or is, generally prevalent regarding levy of duty (including non-levy thereof) on any goods imported into, or exported from, India; and

(b) that such goods were, or are, liable—

(i) to duty, in cases where according to the said practice the duty was not, or is not being, levied, or

(ii) to a higher amount of duty than what was, or is being, levied, according to the said practice,

then, the Central Government may, by notification in the Official Gazette, direct that the whole of the duty payable on such goods or, as the case may be, the duty in excess of that payable on such goods, but for the said practice, shall not be required to be paid in respect of the goods on which the duty was not, or is not being, levied, or was, or is being, short-levied, in accordance with the said practice.”

8. *Amendment of section 46.*—In section 46 of the Customs Act, in sub-section (3),—

(a) in the proviso, for the words “such manifest or report”, the words “such report” shall be substituted;

(b) after the proviso as so amended, the following further proviso shall be inserted, namely:—

“Provided further that a bill of entry may be presented even before the delivery of such manifest if the vessel by which the goods have been shipped for importation into India is

expected to arrive within a week from the date of such presentation."

9. Amendment of section 61.—In section 61 of the Customs Act,—

(a) for the opening paragraph, the following shall be substituted, namely:—

"Any warehoused goods may be left in the warehouse in which they are deposited or in any warehouse to which they may be removed,—

(a) in the case of non-consumable stores, till the expiry of three years; and

(b) in the case of any other goods, till the expiry of one year,

after the date on which the proper officer made an order under section 60 permitting the deposit of the goods in a warehouse:"

(b) in the first proviso for the words "three years", in both places where they occur, the words "three years or one year, as the case may be", shall be substituted.

10. Amendment of section 75.—In section 75 of the Customs Act—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where it appears to the Central Government that the quantity of a particular material imported into India is more than the total quantity of like material that has been used in the goods manufactured in India and exported outside India, then, the Central Government may, by notification in the Official Gazette, declare that so much of the material as is contained in the good exported shall, for the purpose of sub-section (1), be deemed to be imported material."

(b) in sub-section (2), in clause (a), for the words "goods of that class or description", the words "export goods of that class or description" shall be substituted.

11. Amendment of section 113.—In section 113 of the Customs Act, in clause (i), after the words "dutiable or prohibited goods", the words "or goods entered for exportation under claim for drawback" shall be inserted.

12. Amendment of section 122.—In section 122 of the Customs Act, for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) where the value of the goods liable to confiscation does not exceed twenty-five thousand rupees, by an Assistant Collector of Customs;

(c) where the value of the goods liable to confiscation does not exceed two thousand five hundred rupees, by a gazetted officer of customs lower in rank than an Assistant Collector of Customs."

13. Amendment of section 128.—In section 128 of the Customs Act, in sub-section (1), in the opening paragraph, after the words "any decision or order passed under this Act", the brackets, words and figures "(not being an order passed under section 130)" shall be inserted.

14. Substitution of new section for section 130.—For section 130 of the Customs Act, the following section shall be substituted, namely:—

"130. *Powers of revision of Board for Collector.*—(1) The Board may, of its own motion or otherwise, call for and examine the record of any proceeding in which a Collector of Customs has passed any decision or order under this Act for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Customs of his own motion or otherwise call for and examine the record of any proceeding in which an officer of customs subor-

ordinate to him has passed any decision or order under this Act, (not being an order passed in appeal under section 128) for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (a) No order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value shall be passed under this section unless the person affected by the proposed order has been given a reasonable opportunity of showing cause against it.

(b) Where the Board or, as the case may be, the Collector of Customs is of opinion that any duty of customs has not been levied or has been short-levied, no order levying or enhancing the duty shall be made under this section unless the person affected by the proposed order is given notice to show cause against it within the time limit specified in section 28.

(4) No proceeding shall be initiated under this section in respect of any decision or order after the expiry of a period of one year from the date of such decision or order:

Provided that where in respect of any decision or order passed by an officer of customs before the commencement of the Customs, Central Excises, and Salt and Central Boards of Revenue (Amendment) Act, 1978, the period of one year for initiating revision proceedings had expired at such commencement, then, revision proceedings may be initiated within a period of six months from such commencement."

15. Amendment of section 131.—In section 131 of the Customs Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) An application under sub-section (1) shall be accompanied by a fee of one hundred and twenty-five rupees."

16. Amendment of section 135.—In section 135 of the Customs Act, for the words "six months", wherever they occur, the words "one year" shall be substituted.

17. Insertion of new section 143A.—After section 143 of the Customs Act, the following section shall be inserted, namely:—

"143A. *Duty deferment.*—(1) When any material is imported under an import licence belonging to the category of Advance Licence granted under the Imports and Exports (Control) Act, 1947 (18 of 1947), subject to an obligation to export the goods as are specified in the said Licence within the period specified therein, the Assistant Collector of Customs may, notwithstanding anything contained in this Act, permit clearance of such material without payment of duty leviable thereon.

(2) The permission for clearance without payment of duty under sub-section (1) shall be subject to the following conditions, that is to say—

(a) the duty payable on the material imported shall be adjusted against the drawback of duty payable under this Act or under any other law for the time being in force on the export of goods specified in the said Advance Licence; and

(b) where the duty is not so adjusted either for the reason that the goods are not exported within the period specified in the said Advance Licence, or within such extended period not exceeding six months as the Assistant Collector of Customs may, on sufficient cause being shown, allow, or for any other sufficient reason, the importer shall, notwithstanding anything contained in section 28, be liable to pay the amount of duty not so adjusted together with simple interest thereon at the rate

of twelve per cent per annum from the date the said permission for clearance is given to the date of payment.

- (3) While permitting clearance under sub-section (1), the Assistant Collector of Customs may require the importer to execute a bond with such surety or security as he thinks fit for complying with the conditions specified in sub-section (2)."

18. *Amendment of section 159.*—In section 159 of the Customs Act, for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or ther successive sessions aforesaid" shall be substituted.

CHAPTER III

AMENDMENTS TO THE CENTRAL, EXCISES AND SALT ACT, 1944

19. *Amendment of section 3.*—In section 3 of the Central Excises and Salt Act, 1944 (1 of 1944), (hereafter in this Chapter referred to as the Central Excises and Salt Act), for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Different tariff values may be fixed—

- (a) for different classes or descriptions of the same excisable goods; or
- (b) for excisable goods of the same class or description—
 - (i) produced or manufactured by different classes of producers or manufacturers; or
 - (ii) sold to different classes of buyers:

Provided that in fixing different tariff values in respect of excisable goods falling under sub-clause (i) or sub-clause (ii), regard shall be had to the sale prices charged by the different classes of producers or manufacturers or; as the case may be, the normal practice of the wholesale trade in such goods."

20. *Insertion of new section 5.*—After section 4 of the Central Excises and Salt Act, the following section shall be inserted, namely:—

"5. *Remission of duty on goods found deficient in quantity.*—(1) The Central Government may, by rules made under this section, provide for remission of duty of excise leviable on any excisable goods which due to any natural cause are found to be deficient in quantity.

- (2) Any rules made under sub-section (1) may, having regard to the nature of the excisable goods or of processing or of curing thereof, the period of their storage or transit and other relevant considerations, fix the limit or limits of percentage beyond which no such remission shall be allowed:

Provided that different limit or limits of percentage may be fixed for different varieties of the same excisable goods or for different areas or for different seasons."

21. *Insertion of new sections 11A, 11B and 11C.*—After section 11 of the Central Excises and Salt Act, the following sections shall be inserted, namely:—

"11A. *Recovery of duties not levied or not paid or short-levied or short-paid or erroneously refunded.*—

- (1) When any duty of excise has not been levied or paid or has been short-levied or short-paid or erroneously refunded, a Central Excise Officer may, within six months from the relevant date, serve notice on the person chargeable with the duty which has not been levied or paid or which has been short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice;

Provided that where any duty of excise has not been levied or paid or has been short-levied or short-paid or erroneously refunded by reason of fraud, collusion or any wilful mis-statement or suppression of facts, or contravention of any of the provisions of this Act or of the rules made thereunder with intent to evade payment of duty, by such person or his agent, the provisions of this sub-section shall have effect, as if for the words "six months", the words "five years" were substituted.

Explanation.—Where the service of the notice is stayed by an order of a court, the period of such stay shall be excluded in computing the aforesaid period of six months or five years, as the case may be.

- (2) The Assistant Collector of Central Excise shall, after considering the representation, if any, made by the person on whom notice is served under sub-section (1), determine the amount of duty of excise due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

- (3) For the purposes of this section—

- (i) "refund" includes rebate of duty of excise on excisable goods exported out of India or on excisable materials used in the manufacture of goods which are exported out of India;
- (ii) "relevant date" means,—
 - (a) in the case of excisable goods on which duty of excise has not been levied or paid or has been short-levied or short-paid—

(A) where under the rules made under this Act a monthly return, showing particulars of the duty paid on the excisable goods removed during the month to which the said return relates, is to be filed by a manufacturer or producer or a licensee of a warehouse, as the case may be, the date on which such return is so filed;

(B) where no monthly return as aforesaid is filed, the last date on which such return is to be filed under the said rules;

(C) in any other case, the date on which the duty is to be paid under this Act or the rules made thereunder;

(b) in a case where duty of excise is provisionally assessed under this Act or the rules made thereunder, the date of adjustment of duty after the final assessment thereof;

(c) in the case of excisable goods on which duty of excise has been erroneously refunded, the date of such refund.

11B. *Claim for refund of duty.*—(1) Any person claiming refund of any duty of excise may make an application for refund of such duty to the Assistant Collector of Central Excise before the expiry of six months from the date of payment of duty:

Provided that the limitation of six months shall not apply where any duty has been paid under protest.

Explanation.—Where any duty of excise is paid provisionally under this Act or the rules made thereunder, the period of six months shall be computed from the date of adjustment of duty after the final assessment thereof.

(2) If on receipt of any such application the Assistant Collector of Central Excise is satisfied that the whole or any part of the duty of excise paid by the applicant should be refunded to him, he may make an order accordingly.

(3) Where as a result of any order passed in appeal or revision under this Act refund of any duty of excise becomes due to any person, the Assistant Collector

of Central Excise may refund the amount to such person without his having to make any claim in that behalf.

(4) Save as otherwise provided by or under this Act, no claim for refund of any duty of excise shall be entertained.

(5) Notwithstanding anything contained in any other law, the provisions of this section shall also apply to a claim for refund of any amount collected as duty of excise made on the ground that the goods in respect of which such amount was collected were not excisable or were entitled to exemption from duty and no court shall have any jurisdiction in respect of such claim.

Explanation.—For the purposes of this section, “refund” includes rebate of duty of excise on excisable goods exported out of India or on excisable materials used in the manufacture of goods which are exported out of India.

11C. Power not to recover duty of excise not levied or short-levied as a result of general practice.—Notwithstanding anything contained in this Act, if the Central Government is satisfied—

- (a) that a practice was, or is, generally prevalent regarding levy of duty of excise (including non-levy thereof on any excisable goods; and
- (b) that such goods were, or are, liable—
 - (i) to duty of excise, in cases where according to the said practice the duty was not, or is not being, levied, or
 - (ii) to a higher amount of duty of excise than what was, or is being, levied, according to the said practice,

then, the Central Government may, by notification in the Official Gazette, direct that the whole of the duty of excise payable on such goods, or, as the case may be, the duty of excise in excess of that payable on such goods, but for the said practice, shall not be required to be paid in respect of the goods on which the duty of excise was not, or is not being, levied, or was, or is being, short-levied, in accordance with the said practice.

22. Amendment of section 35.—In section 35 of the Central Excises and Salt Act, in sub-section (1), after the words “the rules made thereunder”, the brackets, words, figures and letter “(not being an order passed under section 35A)” shall be inserted.

23. Substitution of new section for section 35A.—For section 35A of the Central Excises and Salt Act, the following section shall be substituted, namely:—

“35A. **Revision by Board or Collector.**—(1) The Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), (hereinafter referred to as the Board), may, of its own motion or otherwise, call for and examine the record of any proceeding in which any decision or order has been passed under this Act or the rules made thereunder by a Collector of Central Excise (not being a decision or order passed on appeal under section 35) for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Central Excise may, of his own motion or otherwise, call for and examine the record of any proceeding in which any decision or order has been passed under this Act or the rules made thereunder by a Central Excise Officer subordinate to him (not being a decision or order passed on appeal under section 35) for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (a) No decision or order under this section shall be varied so as to prejudicially affect any person unless such person is given a reasonable opportunity of making a representation and, if he so desires, of being heard in his defence.

(b) Where the Board or, as the case may be, the Collector of Central Excise is of opinion that any duty of

excise has not been levied or has been short-levied or erroneously refunded, no order levying or enhancing the duty, or no order requiring payment of the duty so refunded, shall be made under this section unless the person affected by the proposed order is giving notice to show cause against it within the time limit specified in section 11A.

(4) No proceedings shall be commenced under this section in respect of any decision or order (whether such decision or order has been passed before or after the commencement of the Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978) after the expiration of a period of one year from the date of such decision or order.”

24. Amendment of section 36.—In section 36 of the Central Excises and Salt Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every application under sub-section (1) shall be accompanied by a fee of rupees one hundred and twenty-five.”;

(b) in sub-section (2), after the second proviso; the following further proviso shall be inserted, namely:—

“Provided also that where the Central Government is of opinion that any duty of excise has not been levied or has been short-levied or erroneously refunded, no order levying or enhancing the duty, or no order requiring payment of the duty so refunded, shall be made under this section unless the person affected by the proposed order is given notice to show cause against it within the time limit specified in section 11A.”

25. Amendment of section 37.—In section 37 of the Central Excises and Salt Act, in sub-section (2), after clause (ib), the following clause shall be inserted, namely:—

“(ic) provide for the remission of duty of excise leviable on any excisable goods, which due to any natural cause are found to be deficient in quantity, the limit or limits of percentage beyond which no such remission shall be allowed and the different limit or limits of percentage for different varieties of the same excisable goods or for different areas or for different seasons.”

26. Insertion of new section 37A.—After section 37 of the Central Excises and Salt Act, the following section shall be inserted, namely:—

“37A. **Delegation of powers.**—The Central Government may, by notification in the Official Gazette, direct that subject to such conditions, if any, as may be specified in the notification—

(a) any power exercisable by the Board under this Act may be exercisable also by a Collector of Central Excise empowered in this behalf by the Central Government;

(b) any power exercisable by a Collector of Central Excise under this Act may be exercisable also by a Deputy Collector of Central Excise or an Assistant Collector of Central Excise empowered in this behalf by the Central Government;

(c) any power exercisable by a Deputy Collector of Central Excise under this Act may be exercisable also by an Assistant Collector of Central Excise empowered in this behalf by the Central Government; and

(d) any power exercisable by an Assistant Collector of Central Excise under this Act may be exercisable also by a gazetted officer of Central Excise empowered in this behalf by the Board.”

CHAPTER IV

AMENDMENT TO THE CENTRAL BOARDS OF REVENUE ACT, 1963

27. Amendment of Act 54 of 1963.—In section 3 of the Central Boards of Revenue Act, 1963, in sub-section (2), for the words “not exceeding five”, the words “not exceeding seven” shall be substituted.

Simla-171002, the 12th October, 1978

No. LLR-E(9) 17/77.—The payment of Bonus (Amendment) Ordinance, 1978 (No. 3 of 1978) promulgated by the President of India and published in the Gazette of India, Extraordinary, Part-II, Section 1, is hereby republished in the Rajpatra, Himachal Pradesh, for the information of the general public.

K. C. GUPTA,
Under Secretary.

THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1978

(No. 3 of 1978)

Promulgated by the President in the Twenty-ninth Year of the Republic of India.

An Ordinance to amend the Payment of Bonus (Amendment) Act, 1977.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Payment of Bonus (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. *Act 43 of 1977 to be temporarily amended.*—During the period of operation of this Ordinance, the Payment of Bonus (Amendment) Act, 1977 (hereinafter referred to as the amendment Act) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2.*—In section 2 of the amendment Act, after the words and figures “in respect of the accounting year commencing on any day in the year 1976”, the words and figures “and in respect of the accounting year commencing on any day in the year 1977” shall be inserted.

N. SANJIVA REDDY,
President.

S. HARIHARA IYER,
Secy. to the Govt. of India.

Simla-2, the 25th October, 1978

No. LLR-E(9)17/77.—The Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978 (No. 4 of 1978) promulgated by the President of India and published in the Gazette of India, Extraordinary, Part-II, Section 1, is hereby republished in the Rajpatra, Himachal Pradesh, for the information of the general public.

K. C. GUPTA,
Under Secretary.

THE ADDITIONAL DUTIES OF EXCISE (TEXTILES AND TEXTILE ARTICLES) ORDINANCE, 1978

(No. 4 of 1978)

Promulgated by the President in the Twenty-ninth Year of the Republic of India.

An Ordinance to provide for the levy and collection of additional duties of excise on certain textiles and textile articles.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action:

NOW, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978.

(2) It shall come into force on the 4th day of October, 1978.

2. *Definition.*—In this Ordinance, “cotton fabrics”, “silk fabrics”, “woollen fabrics”, “man-made fabrics” and “wool tops” shall have the meanings respectively assigned to them in Items Nos. 19, 20, 21, 22 and 43 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944).

3. *Levy and collection of additional duties of excise on certain textiles and textile articles.*—(1) When goods of the description mentioned in the Schedule chargeable with a duty of excise under the Central Excises and Salt Act, 1944 (1 of 1944) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected a duty of excise equal to ten per cent of the total amount so chargeable on such goods.

(2) The duties of excise referred to in sub-section (1) in respect of the goods specified in the Schedule shall be in addition to the duties of excises chargeable on such goods under the Central Excise and Salt Act, 1944 (1 of 1944), or any other law for the time being in force and shall be levied for the purposes of the Union and the proceeds thereof shall not be distributed among the States.

(3) The provisions of the Central Excises and Salt Act, 1944 (1 of 1944), and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, so far as may be, apply in relation to the levy and collection of the duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules.

THE SCHEDULE

(See section 3)

Sl. No.	Description of goods
1	2
1.	Man-made fibres, other than mineral fibres, man-made filament yarns, cellulosic spun yarn and non-cellulosic wastes, all sorts as described in Item No. 18 I, 18 II, 18 III and 18 IV respectively of the First Schedule to the Central Excises and Salt Act, 1944.
2.	Cotton yarn, all sorts as described in Item No. 18A of the First Schedule to the Central Excises and Salt Act, 1944.
3.	Woollen and acrylic spun yarn as described in Item No. 18B of the First Schedule to the Central Excises and Salt Act, 1944.
4.	Non-cellulosic spun yarn as described in Item No. 18E of the First Schedule to the Central Excises and Salt Act, 1944.
5.	Cotton fabrics.
6.	Silk fabrics.
7.	Woollen fabrics.
8.	Man-made fabrics.
9.	Wool tops.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secretary to the Govt. of India.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनपूरक

(देखिये पृष्ठ 1356—1363)

PART V

अदालती नोटिस

ब्रह्मदालत श्री चन्द्र मोहन कौशल, तहसीलदार व अध्यक्षारान
सहायक समाहर्ता, प्रथम श्रेणी, बड़सर, जिला हमीरपुर,
हिमाचल प्रदेश

कांशी राम बनाम रोशन लाल आदि

उनवान : दरखास्त तकसीम भूमि खाता नं० 3, खतोनी नं० 28,
29 खतरा किता 2, रकबा वकदर 37 कनाल 4 मरले
स्थित टीका रगड़ पाछ्यां, तप्पा कंगड़ अनुमार जाबन्दी
1972-73

नोटिस बनाम : 1. रोशन लाल पुत्र मनशा राम, 2. जगदीश चन्द
पुत्र रोशन लाल, 3. कुलदीप, 4. प्रदीप नाबालगान
बाबलायत रोशन लाल वन्द खुद स.कानन, टीका रगड़
पाछ्यां, तप्पा कंगड़, तहसील बड़सर ।

मुकदमा उपरोक्त उनवान बाला में रोशन लाल फरीक दोयम को कई
बार समन जारी किए गये मगर उनकी इनलाह असावतन नहीं हो
रही है अतः इस इशतहार अबबार के वजरिया उरू सुचित किया
जाता है कि वह बराये पैरवी दरखास्त असावतन या वकालतन
हमारे न्यायालय हज्रा में तिथि 6-12-1978 को सुबह 10 बजे
हाजिर आत्रे बसूरत दीगर काररती जावता अमल में लाई
जायेगी ।

आज दिनांक 6-11-1978 को हमारे हहाशर व मोहर
अदालत में जारी हुआ ।

मोहर ।

चन्द्र मोहन कौशल,
सहायक समाहर्ता ।

ब्रह्मदालत जनाब श्री अमर सिंह राठौर, सहायक कुलकर्त,
प्रथम श्रेणी, तहसील करसोग, जिला मण्डी (हि० प्र०)

हुक्म चन्द बनाम रूप चन्द बगैरा ।

दरखास्त तकसीम भूमि खाता खतोनी नं० 27/53 मिन,
ख० नं० 532, रकबा ता० 1-12-5 बीघा बाक्या म्हाल सेरी ।

बनाम :—श्रीम प्रकाश, विनोद कुमार, बाल कृष्ण पुत्र निर्मला देवी
पुत्री व मु० रामकी विधवा रूप चन्द, नाबालगान बाल कृष्ण,
विनोद कुमार वजरिया वली श्रीम प्रकाश, श्रीम राज, नारायण दत्त,
योग राज पुत्र मु० कृष्णा, लीला वती, विमला पुत्री हिमा देवी
विधवा तुला राम, कमला जोड़ा कायथा, गीता राम पुत्र जिवा
नन्द, धर्म दास, नरपत पुत्र रामू, नि० अमराला, इलाका माहें,
तहसील करसोग फरीक दोयम ।

मुकदमा उनवान बाला में उपरोक्त फरीक दोयम को कई बार
अदालत में समनात जारी किए गये मगर जाये मुकुनन पर दन्तेयाव
नहीं हो रहे हैं और समन तामील में गुरेज कर रहे हैं जिससे
अदालत हज्रा को पूर्ण विश्वास हों चूका है कि फरीक दोयम पर
तामोल समन साधारण ढंग से होना कठिन है । अतः उपरोक्त
समस्त फरीक दोयम को वजरिया इशतहार जेर आर्डर 5, रूब 20,
C. P. C. सुचित किया जाता है कि वे मिति 4-12-78 को
सुबह 10 बजे मुकाम करसोग अलावतन या वकालतन उपस्थित
हो कर पैरवी मुकदमा करें अन्यथा कार्यवाही एक पक्षीय अमल
में लाई जावेगी ।

अमर सिंह राठौर,
सहायक कुलकर्त ।

In the Court of Shri S. S. Kanwar, District Judge,
Kangra Division, Dharamsala

CASE NO. Succession Act 30/78

1. Parmodh Kumar, (2) Vinod Kumar ss/o Ishwari
Parshad. (3) Subodh Kumar minor s/o Ishari Parshad
through Smt. Subhadran Devi, (4) Smt. Subhadran Devi
widow of Ishari Parsad, Caste Bhojki Brahman rs/o
Jawalamukhi, Tehsil Dehra, Distt. Kangra, (5) Aruna
Gautam d/o Ishwari Parsad at present w/o Ram
Krishan Gautam, r/o Krishan Bal Niketan, S.C. F. 42
Sec. 29-D. Chandigarh (6) Vipla Joshi d/o Shri Ishwari
Parshad at present w/o Shri Amar Nath Joshi, r/o V.
P. O. Nadaun, Teh. and Distt. Hamirpur.

Versus

General Public.
Petition under section 372 of Indian Succession Act
for the grant of Succession Certificate.
To
The General Public.

Whereas the above named petitioner having applied
the grant of succession certificate for the estate of the
Shri Ishwari Parsad s/o Bhuneshwari Parsad, caste
Bhojki who died on 16-5-78.

Notice is hereby issued to the general Public to file
objection if any, against the grant of succession cer-
tificate in favour of the petitioner on 4-12-1978 at
10.00 A. M. in this court at Dharamsala.

In case no objection is received in this court on or
before the above date fixed, further proceedings with
regard to the grant of succession certificate in favour
of the petitioner will be taken.

Given under my hand and the seal of the court.

Seal.

S. S. KANWAR,
District Judge.

DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]

PRADESH FOR THE MONTH OF OCTOBER, 1975

[illegible]

[illegible]

V. K. AGNIHOTRI,
Director of Land Records.

DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]

[illegible]

DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]

